

DISTRICT OF COLUMBIA

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REGULAR COMMISSION MEETING

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WEDNESDAY

MAY 9, 2007

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The Commission convened at 10:00 a.m. in the District of Columbia Taxicab Commission Hearing Room, 2041 Martin Luther King Jr. Avenue, S.E., Suite 204, Washington, D.C., Doreen E. Thompson, Interim Chairperson, presiding.

PRESENT:

DOREEN E. THOMPSON, Interim Chairperson

SANDRA C. ALLEN, Commissioner

A. CORNELIUS BAKER, Commissioner

WILLIAM HENRY CARTER IV, Commissioner

THOMAS E. HEINEMANN, Commissioner

INDER RAJ PAHWA, Commissioner

STANLEY W. TAPSCOTT, Commissioner

THERESA N. TRAVIS, Commissioner

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STAFF PRESENT:

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MARCELINE D. ALEXANDER, ESQ.,

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General Counsel

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P-R-O-C-E-E-D-I-N-G-S

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(10:11 a.m.)

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INTERIM CHAIRPERSON THOMPSON:

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Again, good morning, everyone. Hopefully you have a copy of our agenda. What I'd like to do when we start our meetings is to first have a moment of silence as we've historically been doing that.

9

There's certainly a lot of things for us to reflect on and hopefully also you'll think about how you can help us to help you provide the best possible service you can. So, with that, we just have a moment of silence.

15

Thank you so much. For those of you who I have not had a chance to meet, I'm Doreen Thompson, the interim chairperson of the D.C. Taxicab Commission.

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I'd like my fellow commissioners to introduce themselves and indicate the panels they serve on. We'll start at the far right with Mrs. Travis.

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1 COMMISSIONER TRAVIS: Theresa
2 Travis, public member.

3 COMMISSIONER PAHWA: Raj Pahwa,
4 industry.

5 COMMISSIONER CARTER: William
6 Carter, industry.

7 COMMISSIONER ALLEN: Sandy Allen,
8 public.

9 COMMISSIONER TAPSCOTT: Stanley
10 Tapscott, industry.

11 COMMISSIONER HEINEMANN: Tom
12 Heinemann, public.

13 INTERIM CHAIRPERSON THOMPSON:
14 Thank you so much. To my immediate left, if
15 you have not had a chance to meet her, is
16 Marceline Alexander, and she's our interim
17 general counsel.

18 At this moment, Marceline, we need
19 to determine whether we have a quorum.

20 MS. ALEXANDER: Good morning,
21 everyone. Commissioners, as I call out your
22 name, please announce whether or not you're

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1 present. Commissioner Allen?

2 COMMISSIONER ALLEN: Present.

3 MS. ALEXANDER: Commissioner Baker?

4 Commissioner Carter?

5 COMMISSIONER CARTER: Present.

6 MS. ALEXANDER: Commissioner

7 Tapscott?

8 COMMISSIONER TAPSCOTT: Present.

9 MS. ALEXANDER: Commissioner

10 Heinemann?

11 COMMISSIONER HEINEMANN: Present.

12 MS. ALEXANDER: Commissioner Pahwa?

13 COMMISSIONER PAHWA: Here.

14 MS. ALEXANDER: Commissioner

15 Travis?

16 COMMISSIONER TRAVIS: Present.

17 MS. ALEXANDER: Commissioner

18 Thompson, interim chair?

19 INTERIM CHAIRPERSON THOMPSON:

20 Present.

21 MS. ALEXANDER: We have a majority

22 of commissioners at today's commission meeting

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1 therefore we can hold matters requiring a
2 vote.

3 INTERIM CHAIRPERSON THOMPSON:
4 Thank you so much. Again, we have this
5 agenda. One of the things that I've observed
6 over the last, I guess, ten months that I have
7 been at the Commission is always the concern
8 on the part of the drivers that they have a
9 chance to participate in the meetings.

10 Our agenda and the format for the
11 agenda is in our Rulemaking. What I'd like to
12 do is to share with you that even though it
13 has this particular format, I'm going to move
14 away from that format and deal with items that
15 require a vote.

16 The reason is we think they're very
17 important, not that other concerns aren't, and
18 we also today, I should mention, have some
19 time considerations. We really do need to
20 move our meeting forward as briskly as
21 possible.

22 So, what I'd like to get on the

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1 agenda are the vote items. The first group
2 are the approval of our minutes, and the
3 second group of items that are going to
4 require a vote -- if you turn over your
5 agenda, you'll see some proposed Rulemakings,
6 so those discussions will come up next in the
7 final Rulemaking. You'll see the consent
8 calendar. Okay?

9 So, we're going to start with
10 general counsel with the minutes.

11 MS. ALEXANDER: The Commissioners
12 should've received copies of the Full
13 Commission meeting minutes for March 14, 2007
14 and April 11, 2007. Are there any objections
15 to the March 14, 2007 minutes?

16 INTERIM CHAIRPERSON THOMPSON:
17 Ms. Allen?

18 COMMISSIONER TAPSCOTT: I make a
19 motion that the --

20 INTERIM CHAIRPERSON THOMPSON: One
21 second. I'm sorry, Mr. Tapscott. There's a
22 concern here.

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1 COMMISSIONER ALLEN: Well, it wasn't
2 a concern. I was going to make a motion to --

3 INTERIM CHAIRPERSON THOMPSON: Oh,
4 I'm sorry.

5 COMMISSIONER ALLEN: -- to adopt.
6 That's why I raised my hand.

7 INTERIM CHAIRPERSON THOMPSON:
8 Mr. Tapscott, go ahead.

9 COMMISSIONER TAPSCOTT: No, that's
10 all good.

11 INTERIM CHAIRPERSON THOMPSON: I'm
12 sorry? So, Mr. Tapscott's move we need to
13 second.

14 COMMISSIONER CARTER: I second.

15 INTERIM CHAIRPERSON THOMPSON:
16 Thank you.

17 MS. ALEXANDER: The March 14, 2007
18 minutes of the Full Commission meeting are
19 approved. I'm sorry --

20 INTERIM CHAIRPERSON THOMPSON: Can
21 we vote on it?

22 MS. ALEXANDER: -- they're not

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1 approved --

2 (Laughter)

3 We need a vote.

4 INTERIM CHAIRPERSON THOMPSON: Yes.

5 All in favor?

6 (All in favor)

7 INTERIM CHAIRPERSON THOMPSON: Go
8 ahead, ma'am.

9 MS. ALEXANDER: The meeting minutes
10 of the March 14, 2007 Full Commission meeting
11 are approved. The next set of minutes are the
12 minutes from the April 11, 2007 Full
13 Commission meeting.

14 COMMISSIONER CARTER: Move that at
15 this time that the minutes from this meeting
16 be accepted.

17 COMMISSIONER TAPSCOTT: I second
18 it.

19 INTERIM CHAIRPERSON THOMPSON: It's
20 been moved and seconded. All in favor
21 indicate by saying aye.

22 (All in favor)

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1 INTERIM CHAIRPERSON THOMPSON:

2 Thank you so much. The next set of items on
3 the -- move to the back of the agenda and the
4 first item that's listed there is a fuel
5 surcharge.

6 For those who've attended the last
7 two meetings, you're aware that we had a
8 formal petition for fuel surcharge and the
9 Commission has been weekly monitoring fuel
10 prices.

11 The panel on Rates and Rules has
12 met on fuel surcharge, and the panel is
13 recommending to the Full Commission that they
14 institute a \$0.75 fuel surcharge. I'll tell
15 you what this is based on.

16 We monitored fuel prices from
17 January 2006. January 2006, the price of
18 average regular gasoline in Washington, D.C.
19 was \$2.43. May 8, 2007, the average price of
20 regular gasoline in the district was up by
21 \$0.65.

22 The Commission has voted to

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1 increase -- to institute a surcharge of \$0.75,
2 which is \$0.10 above the price of gasoline
3 because industry statistics -- above the
4 increase because industry analysts do say that
5 in the summer months, upcoming months, we're
6 still likely to face an increase.

7 Are there any comments from the
8 audience? First, are there any comments from
9 the Commission?

10 COMMISSIONER TRAVIS: Yes, I'd just
11 like to make a comment. I would like to say
12 that I would like to see it go to a dollar,
13 but I had to compromise to \$0.75 in order to
14 get this through.

15 INTERIM CHAIRPERSON THOMPSON:
16 Okay. Any other comments from the Commission
17 on this?

18 COMMISSIONER TAPSCOTT: Yes. I'd
19 like to know whether the Rates and Rules panel
20 took in consideration that not only gasoline
21 is going up, everything else that is with the
22 taxicab is going up. Your tires, your oil,

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1 and everything else is going up.

2 Did we take in consideration not
3 doing the surcharge, but look at and do the
4 overall price increase where you get used to
5 the \$0.75 and three months you lose it?
6 You're right back to where you are and you got
7 to go through the same thing.

8 If it's that bad, why shouldn't we
9 look at and give an overall increase across
10 the board.

11 INTERIM CHAIRPERSON THOMPSON: The
12 petition was for a fuel surcharge, and the
13 panel essentially looked at the fuel
14 surcharge. One of the things I should mention
15 is that in the past, and the past is no
16 indication of the future, so I do caution you,
17 but I'm quoting from this, we do these fuel
18 surcharges and since no one seems to be able
19 to really understand why gasoline prices have
20 become so unpredictable, they're going up --
21 they used to go up and down, let's put it like
22 this.

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1 We had in September 2005 a fuel
2 surcharge. Seems like right after we put the
3 fuel surcharge in place the gasoline prices
4 started to go down. In fact, in October 2006
5 they dropped to \$2.34. November 2006, \$2.25.

6 December 2006, \$2.35. January 2007
7 \$2.33. February of 2007, \$2.28. Then, of
8 course, in the last two months we've seen this
9 -- from March to May we've seen this
10 incredible upward spiral in gasoline prices.

11 The Commission certainly can also
12 go back and if that's the recommendation from
13 Mr. Tapscott seems to me and we have two
14 things on the floor. We've got the
15 recommendation from the panel, and
16 Mr. Tapscott, you certainly can also make a
17 recommendation to the panel, as well, that
18 they either do not act on the fuel surcharge
19 today and go back and look into a permanent
20 rate increase, or depending on how you want to
21 phrase it, if you think the Commission today
22 should at this moment at this hearing consider

1 a permanent rate increase, that's also a
2 motion you can make.

3 So, it's up to you how you wish to
4 handle this. What's on the floor right now is
5 the recommendation from the panel that it put
6 in place a \$0.75 gasoline surcharge that would
7 last 120 days. So, that's the recommendation
8 that's coming from the panel.

9 I recognize there are a couple
10 people who would like to speak on this issue.
11 I just want to get some clarification as to
12 how Mr. Tapscott wants to handle this going
13 forward.

14 COMMISSIONER TAPSCOTT: It's not
15 about what I want to handle it's what I'm
16 recommending. I'm just recommending if gas is
17 going up, we need to consider the cost of
18 living of everything else.

19 The law says we must look at it
20 every two years. It doesn't say that we can't
21 look at it before the two-year interval is up.
22 I would just rather, personally myself, rather

1 than giving me \$0.50, \$0.75, \$1.00 right now
2 and take it away from me after I've gotten
3 used to it in three months and if gas is still
4 going up, I'm back to where I was.

5 If we need a rate increase across
6 the board, why not look at that and do a rate
7 study and make a complete rate across the
8 board?

9 INTERIM CHAIRPERSON THOMPSON: Yes,
10 I do understand your concern, Mr. Tapscott. I
11 was asking you either you're making a motion
12 -- I'm sorry, Mr. Pahwa.

13 COMMISSIONER PAHWA: Right now we
14 should go with the surcharge. In the
15 meantime, we should look into increased rates
16 because we need the rate. It takes time to
17 increase the rates, so right now we need the
18 surcharge right now.

19 So, we should go for surcharge
20 right now and look into the rates. It's
21 coming up in January 2008 and you can do it
22 before that too, so we should study it in the

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1 meantime, but right now the surcharge should
2 go immediately. That's my recommendation.

3 INTERIM CHAIRPERSON THOMPSON: Any
4 other comments from any other commissioners?
5 The public, Mr. Bugg, I think, had his hand up
6 first. Thank you. You do need to come to the
7 front and identify yourself for the record.

8 MR. BUGG: The name is John Bugg,
9 Washingtonian Cab No. 1. Now, this thing has
10 gone so crazy out there in that street now any
11 time that regular gasoline get to be over
12 \$3.00.

13 High test gas, it's going to go up
14 as high as what it is now, the \$3.39. Now,
15 it's other things involved with this,
16 particular gasoline prices. I was going to
17 the grocery store, and I was spending about
18 \$85 to \$90 per week in groceries, just me and
19 my wife.

20 Okay, now I'm spending around \$135
21 to \$140. Now, this is more serious than just
22 saying, "Let's throw \$0.75 at these guys,"

1 because there has been -- I don't know what
2 study that these people have gotten into, what
3 figures they used or whether they figured they
4 needed to look at any figures or whatever or
5 how this was going to affect the whole
6 industry.

7 We are setting down here now and we
8 are saying that we are going to keep quiet and
9 don't say nothing and when we walk out of here
10 we're in the same shape we was in when we
11 walked in here.

12 So, I don't know what this
13 Commission have on his mind as far as trying
14 to stabilize this industry, but one thing for
15 sure that if you all are going to do it, I
16 mean, we need at least \$2.00. It's no
17 question about that.

18 Now, when we start talking about
19 radio taxicab drivers, they're getting -- what
20 is that, \$2.00? They do not want to raise
21 simply because if you put \$2.00 on top of that
22 \$2.00, then the people are going to walk

1 through the street.

2 Now, it's been like this all the
3 time. I've been driving a cab for 50 years,
4 and it's been like this all the time. It has
5 been for the radio drivers and it has been for
6 the cab company owners.

7 Now, I hope that this Commission
8 here kind of changes this thing up, and you
9 got the power to do it.

10 INTERIM CHAIRPERSON THOMPSON: Were
11 you at the oversight hearing before
12 Mr. Graham? We do need to take a look at this
13 industry as to what --

14 MR. BUGG: Well, I got to agree
15 with you, Ms. Thompson. You got to take a
16 look but when you take a look, we need
17 qualified people to take a look. We don't
18 need nobody to sit down here and say, "Well, I
19 don't know. Give them \$0.10. Give them
20 \$0.30. Give them \$0.55."

21 This industry is supposed to be
22 assessed every two years. We're going into

1 the seventh year now. Nobody have assessed
2 this industry and to say that Rates and Rules
3 is going behind some closed doors and come up
4 with some figures or whatever, we got the
5 money.

6 INTERIM CHAIRPERSON THOMPSON: Now,
7 first of all let me --

8 MR. BUGG: We have the money.

9 INTERIM CHAIRPERSON THOMPSON: --
10 something. I've heard a number of people come
11 to meetings and talk about a requirement that
12 you're assessed every two years. I think
13 we're using language that's not necessarily
14 the way it's written.

15 You're assessed every two years in
16 terms of is the rate adequate, is the fare
17 adequate.

18 MR. BUGG: Exactly.

19 INTERIM CHAIRPERSON THOMPSON: What
20 you're saying essentially for the record is
21 what you have not seen is some kind of
22 comprehensive study and that's what you're

1 looking for, right? Something that --

2 MR. BUGG: Okay. You're saying
3 what I'm looking for. In the petition that I
4 put forward, it said on that last increase --
5 gasoline increase --

6 INTERIM CHAIRPERSON THOMPSON: Fare
7 increase.

8 MR. BUGG: Fare increase, which was
9 voted on, and it said that we wanted this
10 Commission to grant a gasoline increase based
11 on a study and every time it came in here it
12 was based on a study.

13 Now, this study had never been done
14 and this study was supposed to have been done
15 every two years. I mean, you can't get around
16 that.

17 INTERIM CHAIRPERSON THOMPSON: Yes.
18 If you're referring to the fact that if you're
19 looking at the rates you need to do an
20 assessment of the rates every two years. I
21 should also tell you that I spent some time
22 looking at some historical documents.

1 One of the most difficult things in
2 assessing whether -- what is the earning power
3 of this industry is the lack of information.
4 Each owner/operator essentially is maintaining
5 his own information.

6 He says how much money he makes,
7 how much money he doesn't make. It's very
8 difficult when you're trying to determine how
9 much money -- some people work part-time.
10 Some people have another job.

11 So, I just want to tell you that
12 it's one of the more difficult things and
13 we're going to have to figure out how to
14 address -- how do we come up with some figures
15 that in essence reflect what the industry is
16 going through when we have some of those kinds
17 of issues.

18 MR. BUGG: Ms. Thompson, I just
19 want to say this and then I'm through. What
20 you just said, it tells me something. You
21 telling me that you're going to -- each one of
22 these people here says something different.

1 These are individual businesses.

2 INTERIM CHAIRPERSON THOMPSON:

3 Precisely.

4 MR. BUGG: They have a right to do
5 what they want to do with their business.
6 Now, you're saying to me, and I hope these
7 gentlemen out here hear what I'm hearing.
8 You're saying to me that you're going to have
9 to find out exactly how much money goes into
10 these guys' pockets and you're going to adjust
11 this thing according to that.

12 You're going to adjust their
13 earning according to that. We are investing
14 money. We are --

15 INTERIM CHAIRPERSON THOMPSON: One
16 second, Mr. Bugg.

17 MR. BUGG: Yes?

18 INTERIM CHAIRPERSON THOMPSON: Can
19 you tell something here that you have had to
20 say more words than I said? I'm saying --

21 MR. BUGG: I'm trying to survive
22 here.

1 INTERIM CHAIRPERSON THOMPSON: But
2 let me explain to you what happens in other
3 industries.

4 MR. BUGG: Okay.

5 INTERIM CHAIRPERSON THOMPSON: What
6 happens in other industries when you're
7 setting rates is you actually ask the company
8 -- you ask individuals to show you the
9 documentation so you can see the costs that
10 they are incurring.

11 What happens in this industry, and
12 I've read some of the studies where people are
13 trying to come up with a formula that we
14 should use. You have to essentially have --
15 listen to some drivers who say, "Listen, this
16 is what it is."

17 You can also look at some CPI,
18 consumer price index, figures. You can look
19 to see what are gas -- for example, if you're
20 having your vehicle repaired, we can find
21 figures on vehicles.

22 We can find what a vehicle's

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1 costing. We can find figures on what vehicle
2 repairs have gone up. The problem with -- I
3 understand what you are feeling.

4 MR. BUGG: No ma'am --

5 INTERIM CHAIRPERSON THOMPSON: Let
6 me -- no, no, no. I'm using the word feeling
7 for a reason. There are lots -- in my
8 opinion, there appears to be a lot more
9 taxicabs out on the streets. Certainly in
10 Zone 1 there are a lot of taxicabs. Now, that
11 must mean that people are, in fact, who have
12 been out there -- their incomes are probably
13 also falling.

14 So, in essence, we have an industry
15 that is at the point of transition. I
16 understand your concern. You're feeling that
17 this Commission does not understand where you
18 are.

19 MR. BUGG: Miss, please don't use
20 that on me. I'm not -- I have never came to
21 anybody after I put my money out, invested my
22 money in anything, with my feelings on my

1 sleeve. I've never done that.

2 I want a fair return on my money.
3 The fair return -- you say you can get figures
4 from here, here, and here and here, now what I
5 want you to do is to find out -- let's get
6 some professionals to find out how much money
7 is being spent, how this thing has gone up,
8 how everything around us has gone up and what
9 we are getting back in return.

10 It has been done twice since this
11 Commission got started. It hasn't been done
12 since because it tells too many verbals.

13 INTERIM CHAIRPERSON THOMPSON:
14 Essentially what I'm telling you is the two
15 things you're referring to, the two studies, I
16 read them, and what they do is the very thing
17 that I just said to you.

18 What they did was they looked at,
19 for example, what's the cost of car repair
20 services because you're out there with this
21 vehicle that has to be repaired. Has that
22 escalated? We've got to take that into

1 consideration.

2 What's the cost of vehicles? Has
3 that gone up? They're looking at some things
4 that they can, in fact, identify. But, when
5 it comes to the income, what are you making in
6 the industry, they've had to rely on what you
7 tell them. That's the point I was making.

8 It's not that hard and specific.
9 They look at gasoline. I wish I had brought
10 the study in, the one you're probably
11 referring to, and they determined what
12 percentage of your -- what the drivers say the
13 gasoline represent as a percentage because
14 it's very difficult.

15 Mr. Bugg, you may disagree with me,
16 but it is the fact. When we're doing rate
17 increases, we do have to rely on your
18 statements of income.

19 MR. BUGG: Ms. Thompson, I'm
20 through, but I'd like to leave by saying this.
21 You know what you're doing to these taxi
22 drivers in Washington, D.C., and you know it's

1 not fair. You know that there's something
2 else behind this other than just saying --

3 INTERIM CHAIRPERSON THOMPSON:
4 Well, the same way you criticize me for saying
5 --

6 MR. BUGG: No, I'm not criticizing
7 you.

8 INTERIM CHAIRPERSON THOMPSON: --
9 I'm going to say you --

10 MR. BUGG: I'm just telling you
11 this is where there's --

12 INTERIM CHAIRPERSON THOMPSON: Then
13 you're saying you know -- you know that I'm
14 doing something unfair. Mr. Bugg, I am not
15 doing anything unfair. I have no agenda. I
16 am here to --

17 MR. BUGG: You took these guys out
18 of business.

19 INTERIM CHAIRPERSON THOMPSON:
20 Mr. Bugg, I am not putting anyone out of
21 business.

22 MR. BUGG: Any time the expense go

1 up about 80 or 85% and then you say you're not
2 putting us out of business. We are supposed
3 to be able to do the same thing anybody else
4 do, pass the cost, the overhead, onto the
5 consumer.

6 You said other places where they
7 have people owning the cab companies, you go
8 to the cab company. They're the owners. We
9 are the owners in Washington, D.C., and we
10 need not do the same thing that these people
11 are doing.

12 Everything says it's going up, but
13 you say you can't pass it on, but we got --

14 INTERIM CHAIRPERSON THOMPSON: Why
15 are you saying, "You?"

16 MR. BUGG: No listen listen.

17 INTERIM CHAIRPERSON THOMPSON: If
18 you're criticizing me, say the Commission.

19 MR. BUGG: All right. The
20 Commission. Okay.

21 INTERIM CHAIRPERSON THOMPSON: All
22 right.

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1 MR. BUGG: All right. All right.
2 Thank you, ma'am. I just wanted to let it all
3 out.

4 INTERIM CHAIRPERSON THOMPSON: I
5 understand, Mr. Bugg, and thank you so much
6 for your petition and your advocacy. You're
7 doing what you have to do. There's nothing --
8 I appreciate that.

9 MR. BUGG: Okay.

10 INTERIM CHAIRPERSON THOMPSON:
11 Please.

12 MR. CHUBBS: Good morning.

13 INTERIM CHAIRPERSON THOMPSON: How
14 are you? Thank you.

15 MR. CHUBBS: Commissioners, I
16 thought we was basically dealing with the fuel
17 surcharge. I understand what Mr. Tapscott
18 talking about getting it.

19 INTERIM CHAIRPERSON THOMPSON: I'm
20 sorry. You need to identify yourself, sir.
21 For the record.

22 MR. CHUBBS: E.J. Chubbs,

1 Independent Cab No. 69. I understand what
2 Mr. Tapscott talking about the across the
3 board increase, but right now we need the fuel
4 surcharge as of now.

5 My question -- I felt like it
6 should've been a dollar, but you all arrive at
7 \$0.75, but my question is how soon do you
8 anticipate of this \$0.75 going in effect
9 because you say 120 days -- I know previous
10 time we've gotten it, we lost 30 days.

11 We didn't get a make-up on the end
12 of the 130 days, so how soon do you anticipate
13 this fuel surcharge going in effect?

14 INTERIM CHAIRPERSON THOMPSON: I'm
15 hoping that we can get it in place effective
16 Monday, May 14.

17 MR. CHUBBS: May 14. Okay.

18 INTERIM CHAIRPERSON THOMPSON: I'm
19 hoping that we can. Usually what happens is
20 we have to do a proposed Rulemaking. We'd
21 have to certainly get a lot of -- do a lot of
22 work to get an announcement out to the public

1 so that they're aware.

2 When you do the proposed
3 Rulemaking, which is probably what you're
4 stating, it actually is effective back. Okay?
5 So, what it says is it's effective as of the
6 date that the Commission -- it can be
7 effective as the date the Commission takes at
8 the decision -- makes the decision.

9 COMMISSIONER PAHWA: It still has
10 to go through the full panel of Rates and
11 Rules, but still the full panel have the right
12 to, whether it's a dollar, whether it's \$1.25,
13 a dollar, so still we have to go through the
14 full panel.

15 INTERIM CHAIRPERSON THOMPSON: He's
16 just pointing out that we haven't voted yet,
17 so it still has to go through that process.

18 COMMISSIONER PAHWA: Maybe a
19 dollar, maybe a dollar half. We don't know
20 yet. We have the full panel.

21 MR. CHUBBS: Well, I was hoping
22 that you all would vote to \$1.00. That seemed

1 to be -- the \$0.75 --

2 INTERIM CHAIRPERSON THOMPSON: You
3 may still have your right, but the --

4 (Crosstalk)

5 MR. CHUBBS: It does help over the
6 course of the day.

7 INTERIM CHAIRPERSON THOMPSON: But
8 I'm only responding to your question how
9 quickly could you make it effective, and I
10 think it could be effective as of the date the
11 Commission determines it'll be effective.

12 What I would hope to recommend to
13 the Commission is May 14 to give us an
14 opportunity, we the staff, to get the
15 information out, to get the press release, to
16 get all that stuff out.

17 MR. CHUBBS: Okay.

18 INTERIM CHAIRPERSON THOMPSON: So
19 that's --

20 MR. CHUBBS: Okay.

21 COMMISSIONER TRAVIS: Additionally,
22 by the time they get to the stickers, that

1 usually would take -- took about two weeks.
2 That's why they lost two weeks on the --

3 MR. CHUBBS: They lose the time --

4 COMMISSIONER TRAVIS: -- and they
5 couldn't make it up.

6 MR. CHUBBS: -- in the process of
7 -- at the end we don't get the extended 120
8 days.

9 INTERIM CHAIRPERSON THOMPSON:
10 Well, what you could do -- I mean, we can do
11 if we want the official stickers or some
12 official stickers, you could -- I don't
13 believe we can get it that quickly, but what
14 we could do is certainly build in a date into
15 the Rulemaking so we can say when the
16 effective date is to make sure you get the 120
17 days. We can do that. Thank you. Let's try
18 to move quickly.

19 MR. BETHEA: My name is Ronald
20 Bethea, Independent 252. I come today
21 speaking as an owner of a taxicab as an
22 independent operator here in the City of

1 Washington, D.C.

2 I would think and hope in the
3 future that this Commission takes in
4 consideration that Washington, D.C. is a very
5 transient town and in considering granting us
6 a fuel charge that they take in consideration
7 that the colleges and universities that let
8 out every year and everybody knows who's in
9 this industry that when these colleges shut
10 down and we lose the students that attend
11 Howard, AU, this is the basic source of income
12 on Friday, Thursday, and Saturday nights.

13 These are the young people and the
14 staffers who are clubbing. Congress, when
15 they shut down and leave this city, it has a
16 devastating impact on the ridership in this
17 business. We now have taken consideration.
18 The cost of increase in housing here in the
19 District of Columbia, the average one bedroom
20 apartment is \$1,250, which makes it -- most
21 cab drivers who are owner operators, and I've
22 gathered this data through a recent phone bank

1 that I've done, most of the cabs in this
2 industry are owned by the independent drivers.

3 That means they're driving in from
4 Maryland and Virginia. That means they have
5 to burn gas coming in the city and going out
6 of the city every day in order to come to work
7 because they've got to get into the district
8 before these vehicles are worth any value to
9 pick up because we are licensed in D.C. to
10 provide services to the City.

11 So, I think Mr. Tapscott, what he's
12 saying is very valid. What Mr. Chubbs is
13 saying when he speaks about the cost of food,
14 everybody knows that the cost of gasoline in
15 transportation is tied to every facet of our
16 lives, clothes, water, food, and everything
17 else, so I would hope that this Commission
18 when it makes its assessment on increasing the
19 increase will look -- take in consideration
20 what problems that we are having because of
21 this rapid increase in gasoline because \$0.75
22 will not give it. Thank you.

1 INTERIM CHAIRPERSON THOMPSON: This
2 is the last comment, Mr. Lebet.

3 MR. LEBET: Thank you. I'm Philip
4 Lebet. I'm the corporate secretary of
5 Diamond, and I still drive.

6 I'm assuming that we will know
7 today whatever the amount is that this
8 Commission will arrive for the fuel surcharge.
9 If you do not arrive at an effective date,
10 would you please call the three radio fleets
11 in the city and let them know.

12 The reason for this is we can
13 broadcast it to our drivers, the riding public
14 can hear that there's going to be one, and
15 also we can instruct our telephone operators
16 to inform the public for the first few days of
17 its effect as I'm sure most people are aware
18 any time you try to charge somebody something
19 that he's not used to paying, you start
20 getting arguments.

21 Certain drivers probably will
22 forget to tell every customer when he gets in

1 the first few days that there is, in fact, a
2 fuel surcharge. But, again, even if you do
3 that, you tend to get arguments, but as soon
4 as I know I can start letting the word get out
5 to the public and I'm sure the other radio
6 fleets can do the same and the drivers will
7 know so they can start telling customers,
8 "Expect a fuel surcharge." Thank you.

9 INTERIM CHAIRPERSON THOMPSON:
10 Thank you so much. The Commission now will
11 take a vote on the fuel surcharge, the
12 recommendation from the panel. Again, the
13 recommendation is a \$0.75 fuel surcharge -- is
14 that --

15 COMMISSIONER ALLEN: I would like
16 to amend the recommendation and make it a
17 dollar.

18 COMMISSIONER TRAVIS: I second.

19 INTERIM CHAIRPERSON THOMPSON: Why
20 don't we -- the recommendation from the panel
21 is still \$0.75. We will vote on that and then
22 we can certainly vote on --

1 COMMISSIONER ALLEN: Why can't we
2 just amend the recommendation of the panel and
3 we only have to have --

4 INTERIM CHAIRPERSON THOMPSON:
5 Well, the recommendation from the panel is the
6 recommendation from the panel. If you would
7 like --

8 COMMISSIONER ALLEN: I'd like to
9 amend the recommendation from the panel.
10 That's what I said, to make it from \$0.75 to
11 \$1.00. So, if the panel's recommendation is
12 \$0.75, I would like to amend it to change it
13 to \$1.00 and then we can go from there.

14 INTERIM CHAIRPERSON THOMPSON:
15 Well, you know what? Just to make two things
16 -- something move quickly, we'll -- there is a
17 motion from Mrs. Allen seconded by Mrs. Travis
18 that the fuel surcharge be a dollar, and we
19 can certainly just vote on that.

20 Let's do a specific vote.

21 COMMISSIONER TAPSCOTT:
22 Ms. Chairman, I think you're right that it was

1 a motion on the floor for the \$0.75 and it was
2 seconded. So, you've got to do something with
3 that motion before you --

4 INTERIM CHAIRPERSON THOMPSON:
5 Right. Yes, that's technically -- okay. On
6 the \$0.75 motion that was on the floor,
7 Mrs. Travis, your vote -- I just wanted to --

8 COMMISSIONER TRAVIS: Well, I think
9 --

10 UNIDENTIFIED SPEAKER: Let her do
11 it.

12 INTERIM CHAIRPERSON THOMPSON:
13 She's not there.

14 COMMISSIONER TRAVIS: I think as a
15 panel member, I can still make a friendly
16 amendment and my friendly amendment would be
17 that it be raised to a dollar.

18 COMMISSIONER PAHWA: We withdraw
19 this request for a motion.

20 COMMISSIONER BAKER: You simply need
21 to agree to it or not.

22 INTERIM CHAIRPERSON THOMPSON: You

1 know what? I'm not sure that there was a
2 motion.

3 UNIDENTIFIED SPEAKER: There was no
4 motion.

5 UNIDENTIFIED SPEAKER: There was no
6 motion? Well, then I make the motion --

7 COMMISSIONER PAHWA: There was no
8 motion. It was just suggestion.

9 COMMISSIONER TAPSCOTT:
10 Commissioner Travis made the motion of \$0.75
11 and then --

12 UNIDENTIFIED SPEAKER: No, there
13 was no motion.

14 INTERIM CHAIRPERSON THOMPSON: I
15 think there was just a recommendation.

16 (Crosstalk)

17 INTERIM CHAIRPERSON THOMPSON: So,
18 the motion is for a dollar surcharge and I'm
19 just going to take a roll call vote.
20 Mr. Pahwa?

21 COMMISSIONER PAHWA: Yes, I do.

22 INTERIM CHAIRPERSON THOMPSON:

1 Mr. Carter?

2 COMMISSIONER CARTER: Yes.

3 INTERIM CHAIRPERSON THOMPSON:

4 Mr. Tapscott?

5 COMMISSIONER TAPSCOTT: Yes.

6 INTERIM CHAIRPERSON THOMPSON:

7 Mr. Heinemann?

8 COMMISSIONER HEINEMANN: Yes.

9 INTERIM CHAIRPERSON THOMPSON:

10 Mr. Baker?

11 COMMISSIONER BAKER: No.

12 INTERIM CHAIRPERSON THOMPSON:

13 Myself, no.

14 UNIDENTIFIED SPEAKER: Ms. Travis?

15 INTERIM CHAIRPERSON THOMPSON:

16 Ms. Travis, I'm presuming that you too are in
17 favor. I'm sorry. So, it's a dollar
18 increase.

19 COMMISSIONER PAHWA: What's the
20 vote? How many was yes and how many was no?

21 UNIDENTIFIED SPEAKER: There was
22 two nos.

1 COMMISSIONER PAHWA: Two nos.
2 Mr. Baker and?

3 INTERIM CHAIRPERSON THOMPSON:
4 Myself. I look at the figures, and that's
5 what it goes on. I have to explain it to
6 someone what it's based off, so that's why I
7 look at the figures.

8 The next item to be -- yes. The
9 next item to be voted on is the zone map. For
10 those who are unfamiliar with it, the
11 Department of Transportation recommended that
12 the map be reoriented in a north/south
13 direction.

14 That recommendation was included in
15 Mayor Fenty's 100 day plan and that
16 recommendation came to the Commission and it
17 was before our panel on Rates and Rules. It
18 does not change zones. It makes no changes in
19 the zone. No information is changed.

20 The positives of the map is it does
21 include more streets and again, it has that
22 north/south orientation. The downside to it

1 is as you can probably see that the outer --
2 in order to get it as large as possible, it
3 squeezes the outer zones.

4 So, this is before -- the panel has
5 voted out that this go before the Full
6 Commission for adoption. It does not require
7 a Rulemaking as it's just a technical
8 amendment. It's not changing anything
9 substantive.

10 So, it's now before the Commission
11 for -- the Full Commission for its vote. Is
12 there any discussion? Mr. Tapscott?

13 COMMISSIONER TAPSCOTT: Yes, you
14 know, we wasted so much time on this map and
15 we still come up with the same thing the map
16 is doing only I still see confusion in the
17 map. Like Connecticut Avenue.

18 When you put Connecticut Avenue in
19 Zone 3, a lot of people is going to think
20 Connecticut Avenue is still a zone line. All
21 the little broken lines, what do these little
22 broken lines mean? Like 12th Street, M Street

1 in Zone 1. What do they represent?

2 UNIDENTIFIED SPEAKER: Street
3 zones, not sub zones.

4 COMMISSIONER TAPSCOTT: No, there's
5 no such thing as sub zones.

6 UNIDENTIFIED SPEAKER: Common sense;
7 streets.

8 INTERIM CHAIRPERSON THOMPSON: Yes.
9 The broken lines -- there's a legend on the
10 map. The broken lines are the streets. The
11 hard lines are the zone boundaries.

12 COMMISSIONER PAHWA: Zone
13 boundaries. It's good. It's north/south. Why
14 don't we take the vote and get it over with?

15 COMMISSIONER TAPSCOTT: One comes
16 off of North Capitol Street. Dotted line goes
17 over to 16th Street. What street is that? Is
18 that Rhode Island Avenue? If you start out on
19 Rhode Island Avenue, where were we on the
20 other side? It's no use me just going on with
21 this because we got to get to this behind us.
22 This'll just cost this district government too

1 much money just to change this map to satisfy
2 somebody.

3 I'm not going to object to it,
4 let's go easy, but that's my opinion.

5 INTERIM CHAIRPERSON THOMPSON:
6 Thank you so much, Mr. Tapscott. Any other
7 comments from the commissioners? Go ahead
8 then, please.

9 COMMISSIONER CARTER: I like -- the
10 Connecticut Avenue is in white and 3B removed.

11 COMMISSIONER PAHWA: I agree --

12 INTERIM CHAIRPERSON THOMPSON: Why,
13 Mr. --

14 COMMISSIONER CARTER: Because
15 there's two of them. There's two of them.

16 INTERIM CHAIRPERSON THOMPSON: Yes,
17 we -- yes, no -- she -- it was done on
18 purpose.

19 COMMISSIONER CARTER: Yes.

20 INTERIM CHAIRPERSON THOMPSON: You
21 think it's confusing?

22 COMMISSIONER CARTER: It does. It

1 --

2 INTERIM CHAIRPERSON THOMPSON: Not
3 Mr. Tapscott. The whole map is confusing for
4 you at this point. If we chose --

5 COMMISSIONER CARTER: It
6 accentuates a zone. What it does is it
7 accentuates a zone line. Even though I see
8 that it's on a street, but I would not want
9 the passenger to think that that becomes the
10 zone line and 3B is two zones as opposed to it
11 being one even though it had its colors as
12 one.

13 INTERIM CHAIRPERSON THOMPSON:
14 Okay. We could do that.

15 COMMISSIONER CARTER: The white
16 should be out.

17 COMMISSIONER PAHWA: I agree on
18 that.

19 INTERIM CHAIRPERSON THOMPSON: Any
20 other comments?

21 COMMISSIONER PAHWA: No.

22 INTERIM CHAIRPERSON THOMPSON:

1 Hearing no other --

2 COMMISSIONER TAPSCOTT: I'd like to
3 make a comment. What you just said, I reject
4 that very strongly that I'm going to be
5 disagreeing with the whole thing. I just said
6 a moment ago that we need to move on with it.

7 INTERIM CHAIRPERSON THOMPSON:
8 Thank you. All right.

9 COMMISSIONER TAPSCOTT: Speaking
10 for me.

11 INTERIM CHAIRPERSON THOMPSON:
12 Thank you.

13 COMMISSIONER PAHWA: I'd like to
14 propose an amendment to remove-

15 INTERIM CHAIRPERSON THOMPSON:
16 Adopted.

17 COMMISSIONER PAHWA: Adopted.

18 INTERIM CHAIRPERSON THOMPSON: All
19 right, with the adjustment that Mr. Carter-

20 COMMISSIONER PAHWA: Right.

21 INTERIM CHAIRPERSON THOMPSON: With
22 the Connecticut Avenue adjustment.

1 COMMISSIONER TAPSCOTT: Right.

2 INTERIM CHAIRPERSON THOMPSON:

3 Okay. Mrs. Travis, you're seconding that. Is
4 that --

5 COMMISSIONER ALLEN: I'll second
6 it.

7 INTERIM CHAIRPERSON THOMPSON:

8 Okay. I'm sorry?

9 UNIDENTIFIED SPEAKER: Excuse me.

10 INTERIM CHAIRPERSON THOMPSON: Yes,
11 it causes a lot of confusion. All in favor?

12 (All in favor except Commissioner
13 Travis)

14 INTERIM CHAIRPERSON THOMPSON: I'm
15 going to abstain on that.

16 INTERIM CHAIRPERSON THOMPSON:
17 Mrs. Travis abstains. Okay, the next --

18 UNIDENTIFIED SPEAKER: Can we take
19 the vote now. Can you take the vote?

20 INTERIM CHAIRPERSON THOMPSON: Yes.
21 Marceline?

22 MS. ALEXANDER: All those --

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1 INTERIM CHAIRPERSON THOMPSON:

2 We're doing a roll call. Mr. -- yes.

3 MS. ALEXANDER: Okay.

4 INTERIM CHAIRPERSON THOMPSON:

5 Mr. Pahwa?

6 COMMISSIONER PAHWA: Yes, I would

7 --

8 UNIDENTIFIED SPEAKER: We need a

9 roll call.

10 COMMISSIONER PAHWA: It's roll call

11 now.

12 COMMISSIONER ALLEN: I think roll

13 call votes - I think we just call from where

14 she found out there was a quorum and you'll

15 have them roll call.

16 MS. ALEXANDER: Commissioner Allen?

17 COMMISSIONER ALLEN: Yes.

18 MS. ALEXANDER: Commissioner Baker?

19 COMMISSIONER BAKER: Yes.

20 MS. ALEXANDER: Commissioner

21 Carter?

22 COMMISSIONER CARTER: Yes.

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1 MS. ALEXANDER: Commissioner
2 Tapscott?

3 COMMISSIONER TAPSCOTT: Yes.

4 MS. ALEXANDER: Commissioner
5 Heinemann?

6 COMMISSIONER HEINEMANN: Yes.

7 MS. ALEXANDER: Commissioner Pahwa?

8 COMMISSIONER PAHWA: Yes.

9 MS. ALEXANDER: Commissioner
10 Travis?

11 COMMISSIONER TRAVIS: I abstain on
12 this matter.

13 MS. ALEXANDER: We have -- this
14 vote was approved six to one. Chairperson --

15 INTERIM CHAIRPERSON THOMPSON: Yes.

16 MS. ALEXANDER: -- Thompson.

17 INTERIM CHAIRPERSON THOMPSON: The
18 next item we would like to discuss is a
19 proposed Rulemaking on including SUVs as
20 taxicabs. This came out of -- what is -- the
21 background for this is we do have some SUVs on
22 the street currently.

1 While we're certainly concerned
2 about fuel efficiency, we recognize that there
3 are some vehicles there. We have in our
4 regulation, it now includes station wagons as
5 Commissioner Carter was pointing out. A lot
6 of the new station wagon type vehicles are now
7 your smaller SUVs.

8 So, what this would do is the
9 Rulemaking currently lists sedans, station
10 wagons, minivans, and it would now just
11 include the language SUVs specifically. So,
12 that's the proposed Rulemaking.

13 Is there -- the way it reads
14 currently would read with the amendment is
15 each taxicab under Section 31D of the License
16 Act shall be a sedan, station wagon, and then
17 we would put in sports utility vehicle or
18 minivan. We're not making any other changes
19 to that provision.

20 The provision requires, of course,
21 that there's at least two rear doors to open
22 and close, and if you're familiar with the

1 rest of it, there are no changes. That's the
2 only change.

3 COMMISSIONER TAPSCOTT: Was there a
4 recommendation from the panel to add SUVs?

5 INTERIM CHAIRPERSON THOMPSON: Yes.

6 COMMISSIONER TAPSCOTT: Did the
7 panel meet on it?

8 INTERIM CHAIRPERSON THOMPSON: Yes.

9 COMMISSIONER TRAVIS: In October.

10 INTERIM CHAIRPERSON THOMPSON: Not
11 unanimous. The panel met. The decision to
12 recommend it was not unanimous. Mrs. Travis
13 did not support that. Mr. Heinemann came
14 after the vote had been done, but it's before
15 the Full Commission for discussion today.

16 So, are any commissioners --
17 Mr. Heinemann, I --

18 COMMISSIONER HEINEMANN: I have one
19 question. If it wasn't in there before, how
20 did they get on the road?

21 COMMISSIONER CARTER: You came in
22 and you asked for --

1 INTERIM CHAIRPERSON THOMPSON: They
2 were doing exemptions.

3 COMMISSIONER HEINEMANN: Exemptions
4 by the person.

5 INTERIM CHAIRPERSON THOMPSON:
6 Someone has also sent -- Mr. Pahwa's pointing
7 out that what happened is as the vehicles are
8 getting inspected over and licensed by DMV,
9 they looked at the regulations and
10 interpreted, I guess, an SUV as a sedan or --
11 so they were allowing these vehicles.

12 I don't believe there are a lot of
13 vehicles on the road, but they were licensing
14 them. Any other comments from the
15 commissioners?

16 COMMISSIONER TAPSCOTT: What I was
17 going to ask you is if SUVs was allowed when
18 Mr. Causton Toney was here. Mr. Causton Toney
19 did a special himself, and this Commission
20 voted not to put anymore SUVs on and he
21 stopped putting them on.

22 UNIDENTIFIED SPEAKER: At the

1 Chairman's discretion.

2 COMMISSIONER TAPSCOTT: That's
3 right.

4 COMMISSIONER BAKER: I have
5 discussion. One, I'm going to vote against
6 this because I have two concerns at this time.
7 I mean, one is some form of an environmental
8 impact and really working and looking with the
9 city around whether we want to encourage more
10 of these vehicles on the road and particularly
11 for this purpose.

12 Second is -- I mean, we just
13 finished discussing a fuel increase on
14 automobiles and in part because we're seeing
15 that an industry cannot sustain itself yet we
16 have no idea of any type of study around what
17 is the profit/loss margin, what is the fuel
18 rate that is sustainable, what type of
19 vehicles are the most sustainable, and we're
20 going to put SUVs, which are the highest gas
21 guzzling vehicles on the road and have people
22 come back to us and tell us they can't afford

1 their business in the future?

2 I just don't think that's
3 appropriate. So, not only should we not have
4 the exemptions for the ones on the road that
5 are getting on there, but we should get them
6 all off.

7 So, I don't want to get into the
8 politics of why we're fighting for oil, but
9 people want to really talk about who's going
10 to pay for it. I just don't think that this
11 is the way to be going.

12 INTERIM CHAIRPERSON THOMPSON:
13 Well, I also -- I'm sorry. The drivers make
14 the decision as to which vehicles they put on.
15 One second. One second. I understand your
16 position and we are not, as some members in
17 the audience would certainly say, we're
18 certainly not granting fuel increases based on
19 whether you're using a vehicle that requires
20 high test or a vehicle that eats up more
21 gasoline.

22 The other side to this, as well,

1 again, that's a decision that individuals
2 make. We do get some inquiries in the winter
3 months from -- we got it from the courts and
4 from one of the hospitals trying to determine
5 how many SUVs do you have and who has them so
6 that they can, in fact, rely on them for
7 transportation.

8 So, I would hope this would not
9 encourage more SUVs given the price of
10 gasoline and the fact that we are certainly in
11 severe non-attainment for air quality in the
12 district and need to do as much as we can to,
13 in fact, encourage vehicles that -- our fleets
14 are efficient.

15 We do have old vehicles as it is
16 within the taxi fleets, so that's the
17 consideration that went into that Rulemaking.
18 Mrs. Allen?

19 COMMISSIONER ALLEN: Chairman
20 Thompson --

21 INTERIM CHAIRPERSON THOMPSON: I'm
22 sorry. One second, Mrs. Travis.

1 COMMISSIONER TRAVIS: Okay.

2 INTERIM CHAIRPERSON THOMPSON:
3 Mrs. Allen had her hand up.

4 COMMISSIONER ALLEN: One of the
5 things that I think I've been hearing with the
6 Commission is the transportation of people
7 with disabilities. SUVs would be able to fold
8 down their seats, and we would not have to go
9 to Maryland and Virginia to ask them to
10 transport some of the people that we have been
11 doing.

12 So, if we're going to talk about --
13 we can't transport disabled, don't use SUVs,
14 it doesn't work. It doesn't quite balance to
15 me, and we want to bring more business into
16 the industry in the district, we need to have
17 vehicles that are capable of taking this
18 particular population, so I think that that's
19 something that should be considered.

20 The environmental part of it,
21 Mr. Baker, I agree 100 percent, but we need to
22 start asking people about fuel efficient SUVs

1 so that we can protect the environment, but we
2 have to think about the passengers that we
3 lose and the time that's lost if they have to
4 call into this office.

5 We call Maryland or Virginia and
6 then have a vehicle sent to the person's home.
7 I think that this is something that we need to
8 look at if we have the capability ourselves
9 whether or not this is more money for the
10 industry right already here, so I will be
11 voting in favor.

12 INTERIM CHAIRPERSON THOMPSON: Mrs.
13 Travis?

14 COMMISSIONER TRAVIS: Number one,
15 Chairman, you were saying that the drivers
16 choose the cars that they want to use, but the
17 commissioners do have the right to set
18 standards on what types of cars.

19 Also, Ms. Allen, I would have to
20 disagree with you in terms of people with
21 disabilities using SUVs because most of them
22 say that SUVs are very difficult for people

1 with hidden disabilities such as back
2 problems, arthritis, and everything.

3 Seniors getting in and out these
4 cars, mothers with babies and everything, I
5 don't think it's a car to go into the industry
6 at all.

7 In fact, I've even -- a driver had
8 to catch me where he had to put up a step
9 stool for me to try to get up into one, and I
10 came out of there stepping on -- stepped on
11 the end of that step stool and he had to catch
12 me before I hit the ground. So, it is not
13 safe at all.

14 INTERIM CHAIRPERSON THOMPSON:
15 Thank you, Mrs. Travis. Mr. Heinemann has a
16 --

17 COMMISSIONER HEINEMANN: On the
18 question -- I mean, to me, having the
19 additional SUVs doesn't make any sense. I
20 mean, if the fleet is a concern and the number
21 of SUVs is a concern, we should look at
22 requiring the companies to at least have one

1 or two as part of their 20 cab fleet, but just
2 blanket allowing them in is probably not the
3 right way to go.

4 The question is when you're talking
5 about seniors with disabilities, minivans are
6 already in here, and they should work just
7 fine. The question is really how many of
8 these vehicles are retrofitted to accommodate
9 people with disabilities.

10 That's the problem. The problem is
11 not that an SUV can carry them. The problem
12 is they're not equipped to carry them. The
13 minivans are not equipped to carry them.
14 That's where the problem is, and nobody's
15 making the investment to make them equipped to
16 carry them. I'm going to vote against this.

17 INTERIM CHAIRPERSON THOMPSON: I
18 saw a few -- we're just going to take maybe
19 about two comments because we really have a
20 full agenda. So, Carolyn, you need to come up
21 here.

22 MS. ROBINSON: Carolyn Robinson,

1 Yellow Cab 800. I just have a question. This
2 recommendation arrived from the meeting that
3 we attended, or when did this recommendation
4 arrive? I thought we were just talking about
5 hybrids at the panel on industry concerns
6 because one of the meetings was cancelled.

7 The Rates and Rules meeting was
8 cancelled.

9 INTERIM CHAIRPERSON THOMPSON: Yes,
10 we subsequently had that meeting.

11 MS. ROBINSON: Oh, you had the
12 meeting and didn't invite us?

13 INTERIM CHAIRPERSON THOMPSON: We
14 squeezed it in as quickly as possible.

15 MS. ROBINSON: So, that's part of
16 the problem with notification. Most of us
17 aren't notified when these meetings that
18 really have an impact on our industry --

19 INTERIM CHAIRPERSON THOMPSON: No,
20 Carol, you came to the meeting on panels.

21 MS. ROBINSON: It was supposed to
22 be two meetings that day, Doreen. One of them

1 was cancelled. No one even told us.
2 Mr. Tapscott and I were the only one there,
3 but I don't want to discuss it now.

4 INTERIM CHAIRPERSON THOMPSON:
5 Well, we will discuss the fact that if
6 commissioners don't show up for the meetings,
7 I can't have a meeting.

8 MS. ROBINSON: But, if you invited
9 the public, you should've notified us when the
10 meeting was rescheduled because we asked you
11 that day when was the meeting on --

12 INTERIM CHAIRPERSON THOMPSON:
13 Carolyn, let's not get so emotional about
14 this. What happened is --

15 MS. ROBINSON: I'm concerned about
16 -- my industry is emotional, Doreen. My --

17 INTERIM CHAIRPERSON THOMPSON:
18 Carolyn --

19 MS. ROBINSON: My livelihood is
20 emotional, okay?

21 INTERIM CHAIRPERSON THOMPSON: You
22 know what's happening here is I've been here

1 ten months. This has been the most meetings
2 that have been announced. I try to give a
3 calendar. Everything is not going to be
4 perfect.

5 What happened is we had
6 commissioners who did not show up for a panel
7 meeting. We cannot have a meeting if I don't
8 have a quorum.

9 MS. ROBINSON: I understand.

10 INTERIM CHAIRPERSON THOMPSON: What
11 happened after that, we had to quickly squeeze
12 in a meeting because what happened from your
13 panel -- the panel meeting you attended, the
14 panel discussed SUVs and hybrids.

15 MS. ROBINSON: That is correct.

16 INTERIM CHAIRPERSON THOMPSON: The
17 next meeting we had scheduled was the working
18 session. The discussion was -- we had that
19 discussion there as well. That technically
20 also was not a panel meeting, so we attempted
21 today to at least let the panel members go
22 back over those issues.

1 They were also at the working
2 session. So, we had a scenario where we're
3 bringing it here. It's here before you. You
4 have a chance to comment here. Every action
5 we do here goes to a proposed Rulemaking.

6 You have a chance to comment at a
7 proposed Rulemaking. We have a public hearing
8 on the proposed Rulemaking. We have a
9 discussion on the final Rulemaking. There are
10 no secret meetings.

11 MS. ROBINSON: I was going to
12 address that. Yes --

13 INTERIM CHAIRPERSON THOMPSON:
14 There are no secret meetings. I don't believe
15 in it, that's why I give you the calendar. I
16 do everything I can to ensure that you are
17 aware of the meetings. There are going to be
18 instances when a panel cannot meet.

19 Mr. Pahwa's daughter was involved
20 down at Virginia Tech, okay? I'm just saying
21 there are emergencies. I don't mean to -- I'm
22 saying they're emergencies in people's lives,

1 and so we try our best.

2 I apologize if this -- but this is
3 an opportunity right here today to hear it and
4 to, in fact, comment. If you have an issue
5 with the SUVs or anything, please express it.
6 This is the best we can do.

7 We put it back on the Full
8 Commission meeting so you can, in fact, talk
9 about it. So, please go ahead.

10 MS. ROBINSON: Okay, well my
11 comment really is at that meeting, no decision
12 was made whether the DCTC was going to abide
13 by the federal regulations for hybrid or the
14 D.C. regulations, so I want to know if that's
15 being established.

16 INTERIM CHAIRPERSON THOMPSON:
17 Okay. Carolyn sat in on a meeting where we
18 were discussing hybrids. What I would also
19 recommend is that the panel -- I'm going to
20 put that back at the panel.

21 What occurs is we do not have
22 regulations that go to the technology of the

1 vehicle. Our regulations don't say you can
2 use diesel, you can use electric and combine
3 with gas or ethanol, whatever. We have not
4 gone in that direction.

5 What I think is happening with
6 hybrids, and we've gotten a lot of
7 recommendations from council members and, in
8 fact, the WAMU, Mark Plotkin's station.

9 Different jurisdictions are
10 considering hybrids in their fleet. New York
11 City apparently is considering hybrid vehicles
12 in their taxi fleets. So, I think the time is
13 ripe for the Commission to look at this issue
14 in a different way than the way we were
15 discussing it.

16 It was being discussed because
17 there was some person who actually believed
18 that we were saying you could not bring on a
19 hybrid vehicle. So, that's what I would like
20 to -- that's where that issue would go.

21 I think we need to talk about as a
22 Commission, how do we encourage, what can we

1 do to encourage more fuel efficient vehicles,
2 hybrid included. So, that's -- Mr. Carter, go
3 ahead, please.

4 COMMISSIONER CARTER: I make a
5 motion that we look at this thing as SUVs and,
6 A-N-D, hybrid vehicles and cover everything
7 and let's go.

8 INTERIM CHAIRPERSON THOMPSON:
9 Okay. One last comment. One -- Mr. --

10 COMMISSIONER TAPSCOTT:
11 Ms. Thompson, you pointed out something very
12 succinctly there. Never before have I ever
13 since I set on this Commission or in the 40-
14 some years I've driven a cab have we made the
15 decision on the type of fuel operation for a
16 vehicle.

17 Diesel came out, all these
18 different vehicles have come out and we've
19 never gone into a specific type, and when we
20 get into the hybrid, it's a specific type.
21 The hybrid car is what my problem is.

22 It's so small that I do not think

1 it justifies to be into a cab. Not the fuel
2 thing, it's the size of the hybrid car.
3 That's my point.

4 INTERIM CHAIRPERSON THOMPSON: I do
5 want to understand, Mr. Tapscott. Mr. Price,
6 very short if you don't mind. I know you're
7 saying, "Why am I getting the --"

8 MR. PRICE: My arm is -- arthritis
9 is getting old. My name is Nathan Price. I'm
10 speaking for the D.C. Professional Taxicab
11 Drivers.

12 On the issue of SUVs, this issue
13 first came up about 10-12 years ago, and
14 because basically it is like -- a lot of
15 commissioners sit up here and are saying,
16 "Well, it's the driver's choice that he needs
17 the SUV."

18 A lot of times that demand is
19 spread on by the public and that's where many
20 up here missed the boat. These SUVs when it
21 came to snow -- when station wagons were
22 eliminated from the American automakers and

1 all the sudden you didn't have anything to
2 cover the needs for the additional luggage,
3 things that hide things.

4 They can cover motorized wheel
5 chairs, hazardous weather. These kind of
6 things -- the drivers, when you buy these
7 things, you realize you're incurring a lot
8 more fuel cost.

9 That's the cost that you will have
10 to bear, but the demand sometimes because the
11 public says, "I need this vehicle," they give
12 you -- you get better runs, so that's why the
13 drivers are getting them. It has nothing to
14 do -- it shouldn't even be hooked up with the
15 fuel surcharge and things like that.

16 On the hybrid cars, I also set in
17 that meeting that the Commission had with
18 Ms. Robinson, and I have to agree. The hybrid
19 cars are basically too small for taxicabs, but
20 in a sense, they're basically -- if we're
21 heading down that road, we might as well take
22 a look at it.

1 Why are we evading something
2 because this is the wave of the future and one
3 of the problems I see in our industry is that
4 we look too much in the past and not in the
5 future in saying what is demand of the public
6 and what do they need and what do we as
7 drivers -- what do we have to have to meet
8 that demand.

9 Most drivers in here start buying
10 the SUVs, even the larger ones, because there
11 was demand from the public realizing that
12 you're going to incur more costs. But,
13 sometimes the need and the income generated
14 from that need outweighed the cost factor.

15 So, sometimes when the -- when I
16 hear this volleyballing back and forth on the
17 Commission about whether it should happen,
18 sometimes maybe you need to listen to the
19 drivers and say, "What is the public saying to
20 them? Why did you get an SUV?"

21 I would never have an SUV as a cab.
22 I would never have a hybrid as a cab,

1 hopefully I wouldn't. But, I can see the
2 need. If the need is there, we need to look
3 at it. We need to be serious about what we're
4 doing. Thank you.

5 INTERIM CHAIRPERSON THOMPSON:
6 Thank you. I think what I'm hearing from
7 Mr. Carter -- thank you so much. Mr. Carter?

8 COMMISSIONER CARTER: In an effort
9 to really kind of get this thing on, you have
10 to understand that the future is the future
11 period. We do not control manufacturer. I'll
12 go back to that again.

13 Everybody's heard me say that about
14 a thousand times. Hybrid cars are coming. I
15 don't care whether you like them or not.

16 COMMISSIONER PAHWA: Small or big,
17 doesn't matter.

18 COMMISSIONER CARTER: Small or big.
19 They're coming.

20 COMMISSIONER PAHWA: They're
21 coming.

22 COMMISSIONER CARTER: Now, as far

1 as SUVs are concerned, I particularly don't
2 care for SUVs, but I have to have them in my
3 business. Take you down to the garage right
4 now and show you four of them sitting there.

5 Now, you're in the business of
6 transporting people. I want this Commission
7 to understand that this is a business. We
8 can't -- we can all learn from the past, but
9 we have to step into the future.

10 Rather than close down every option
11 before it comes, open them up now. What you
12 don't need, don't use. At this time -- no,
13 I'm making a motion.

14 INTERIM CHAIRPERSON THOMPSON: Yes,
15 that's what I was --

16 COMMISSIONER CARTER: At this time,
17 I'm going to move that in proposed Rulemaking
18 Number 3 where it says SUVs that we add the
19 words "and hybrids as taxicab vehicles".

20 INTERIM CHAIRPERSON THOMPSON:
21 They're moving --

22 COMMISSIONER PAHWA: A motion.

1 COMMISSIONER CARTER: A motion that
2 we had --

3 INTERIM CHAIRPERSON THOMPSON: No,
4 I just want some clarification.

5 COMMISSIONER CARTER: I'm motioning
6 that we add "and, A-N-D, hybrid vehicles as
7 taxicabs" so we don't have to keep coming back
8 to this issue of whether I've got a Ford SUV
9 that's a hybrid.

10 I don't want to have to keep coming
11 here to see that. I don't want to have to for
12 us to keep dealing with this deal. I don't
13 care whether it's a federally built hybrid or
14 a dealer built hybrid. A hybrid is a hybrid.

15 We can't get it on the street
16 unless it passes certain specifications
17 anyway.

18 INTERIM CHAIRPERSON THOMPSON: Is
19 that a point of discussion or --

20 COMMISSIONER HEINEMANN: Yes, a
21 point of discussion.

22 INTERIM CHAIRPERSON THOMPSON:

1 Okay. Go ahead.

2 COMMISSIONER HEINEMANN: I think
3 the only way I would support such language if
4 it's limited to a sports utility vehicle that
5 is a hybrid. I mean, there's a number of GM
6 behemoths that are flex fuel. There is a Ford
7 Escape, there is a Mercury Mariner that are
8 flex fuel cars.

9 I don't think this should apply to
10 SUVs that are not flex fuel. I mean, if you
11 were going to make a statement about SUVs and
12 that we shouldn't allow them and if we were
13 talking about hybrids, yes, I mean, it's a
14 gray area between what's a hybrid and what's
15 not.

16 I mean, a hybrid is not a type of
17 car. It could be anything. It could be an
18 SUV. It could be a sedan. It could be a
19 little car. Unfortunately, in the hybrid
20 world right now there's only maybe a Toyota
21 Camry, a Prius, which is small, and then a
22 couple of SUVs, so your options are very

1 limited on that, but if you're going to do an
2 SUV, you might as well have a hybrid one I
3 think.

4 I'm okay with that, but not SUV
5 and/or hybrid. No, the SUV should be a
6 hybrid. I mean, we should have some sort of
7 environmental standards there.

8 COMMISSIONER CARTER:
9 Mr. Heinemann, would you please give me a
10 friendly amendment to add "and flex fuel"?

11 COMMISSIONER HEINEMANN: Sure, but
12 I mean that would only apply to the SUVs. The
13 SUV would have to be either a hybrid or flex
14 fuel.

15 COMMISSIONER CARTER:
16 Mr. Heinemann, we're going to put you in
17 reminder - a little reminder. These guys are
18 not going to go out and buy a brand new 2007.
19 These guys are going to buy what they can get
20 off the street and very cheaply.

21 So, at this time, at this time
22 would you give me a friendly amendment of

1 adding "and flex fuel"?

2 COMMISSIONER HEINEMANN: I think
3 that that's -- I mean, it's kind of
4 irrelevant, isn't it?

5 COMMISSIONER CARTER: No.

6 COMMISSIONER HEINEMANN: Because
7 there's nothing prohibiting --

8 COMMISSIONER CARTER: No, no.

9 COMMISSIONER HEINEMANN: -- nothing
10 prohibiting you. You don't have to do it.

11 COMMISSIONER CARTER: I want to
12 cover the future. I want to cover the future.
13 Would you give me the addition of those words
14 "and flex fuel"? It's still an SUV. It's
15 still an SUV. Would you give me a friendly
16 amendment please? Or yes or no?

17 COMMISSIONER HEINEMANN: How would
18 you phrase that? How would your sentence
19 read?

20 COMMISSIONER CARTER: It'd probably
21 have to read "and flex fuel hybrid and other
22 type vehicles of low emission".

1 COMMISSIONER HEINEMANN: No,
2 because there's nothing barring you from doing
3 that right now.

4 COMMISSIONER CARTER: I'm not
5 trying to stop it right now. I don't want to
6 stop it.

7 COMMISSIONER HEINEMANN: The
8 current rules allow that. I mean, it doesn't
9 -- it makes no position one way or another if
10 it's diesel, flex fuel, or not.

11 COMMISSIONER CARTER: I don't care
12 about diesel. Diesel is low emission.

13 INTERIM CHAIRPERSON THOMPSON: Yes.

14 COMMISSIONER CARTER: You have to
15 look at fuels and fuels and what they do.

16 INTERIM CHAIRPERSON THOMPSON: It
17 appears, Mr. Carter, that your motion is --

18 UNIDENTIFIED SPEAKER: We should
19 discuss this more. I don't think this is
20 ready for a vote.

21 INTERIM CHAIRPERSON THOMPSON: Why
22 don't we -- that's actually what I was going

1 to. Why don't we actually -- is it possible
2 for us to continue this discussion about the
3 SUV and the hybrids and move it to the -- move
4 it to the panel?

5 COMMISSIONER HEINEMANN: Yes. It
6 should probably be also Consumer & Industry
7 Relations.

8 INTERIM CHAIRPERSON THOMPSON: Yes,
9 that's the panel I'm referring to. Mrs. --

10 COMMISSIONER ALLEN: Ms. --

11 INTERIM CHAIRPERSON THOMPSON:
12 Thompson.

13 COMMISSIONER ALLEN: Ms. Thompson,
14 I think that we should vote on the SUV taxi
15 vehicles and hybrids now. Any amendments or
16 any changes to it should go to the panel for
17 discussion, but to hold up for another six
18 weeks on this -- or month on this -- I don't
19 think it's fair.

20 We've been dealing with it now for
21 a couple of months, and so I --

22 INTERIM CHAIRPERSON THOMPSON:

1 Here's my recommendation then to help this
2 along. Mr. Carter's motion is on the floor.

3 COMMISSIONER ALLEN: On the floor,
4 right.

5 INTERIM CHAIRPERSON THOMPSON: He
6 needs a second.

7 COMMISSIONER PAHWA: I second.

8 COMMISSIONER ALLEN: He's been
9 seconded.

10 INTERIM CHAIRPERSON THOMPSON:
11 Mr. Pahwa has seconded?

12 COMMISSIONER PAHWA: Yes.

13 INTERIM CHAIRPERSON THOMPSON:
14 Mr. Tapscott?

15 COMMISSIONER TAPSCOTT: Yes. I'm
16 confused. Why are we sitting here wasting
17 time on the type of fuel? A hybrid is a type
18 of fuel. Why are we wasting time on the type
19 of fuel? We should be talking about the
20 vehicles.

21 We have never had to discuss
22 whether a car could be diesel, gasoline, high

1 test --

2 INTERIM CHAIRPERSON THOMPSON:
3 Okay. I understand, Mr. Tapscott. What
4 you're saying is we have certainly had no
5 regulations on the technology, but since we
6 have this motion on the floor, let's get this
7 voted on and out of the way on this.

8 UNIDENTIFIED SPEAKER: What is the
9 motion?

10 INTERIM CHAIRPERSON THOMPSON: The
11 motion is Mr. Carter's motion, which is to
12 include sports utility vehicle and other fuel
13 -- what's the language?

14 (Crosstalk)

15 INTERIM CHAIRPERSON THOMPSON: And
16 hybrids? So --

17 COMMISSIONER HEINEMANN: The
18 discussion is is that, quite frankly, a
19 minivan can be a hybrid, a sedan can be a
20 hybrid, a station wagon can be a hybrid.

21 INTERIM CHAIRPERSON THOMPSON: I
22 completely agree.

1 COMMISSIONER HEINEMANN: It's
2 irrelevant.

3 INTERIM CHAIRPERSON THOMPSON: I
4 completely agree that there is no need, but
5 his motion does add it. Let's vote on it.
6 Okay? All in favor of Mr. Carter's motion,
7 which is to amend the regulation to include
8 SUVs and hybrids, okay, all in favor of --
9 that's the motion that's on the floor --
10 please indicate -- in fact, why don't we just
11 do a roll call?

12 MS. ALEXANDER: Commissioner Allen?

13 COMMISSIONER ALLEN: Yes.

14 MS. ALEXANDER: Commissioner Baker?

15 COMMISSIONER BAKER: No.

16 MS. ALEXANDER: Commissioner
17 Carter?

18 COMMISSIONER CARTER: Yes.

19 MS. ALEXANDER: Commissioner
20 Tapscott?

21 COMMISSIONER TAPSCOTT: No.

22 MS. ALEXANDER: Commissioner

1 Heinemann?

2 COMMISSIONER HEINEMANN: No.

3 MS. ALEXANDER: Commissioner Pahwa?

4 COMMISSIONER PAHWA: Yes.

5 MS. ALEXANDER: Commissioner

6 Travis?

7 COMMISSIONER TRAVIS: No.

8 MS. ALEXANDER: Interim Chair

9 Thompson?

10 INTERIM CHAIRPERSON THOMPSON: No.

11 MS. ALEXANDER: The motion is
12 defeated.

13 INTERIM CHAIRPERSON THOMPSON:
14 Okay. Now, what I would like to put -- I'd
15 like a motion, or I can put one up, that the
16 panel, in fact, reconsiders this and move it
17 to the panel on Consumer & Industry.

18 COMMISSIONER PAHWA: Second.

19 INTERIM CHAIRPERSON THOMPSON: All
20 in favor? There's a vote about moving it back
21 to the panel. All in favor please indicate by
22 saying aye.

1 (Aye)

2 MS. ALEXANDER: Let's do a --

3 INTERIM CHAIRPERSON THOMPSON:

4 Opposed?

5 (No)

6 INTERIM CHAIRPERSON THOMPSON:

7 Let's do a roll.

8 MS. ALEXANDER: Commissioner Allen?

9 COMMISSIONER ALLEN: Yes.

10 MS. ALEXANDER: Commissioner Baker?

11 COMMISSIONER BAKER: No.

12 MS. ALEXANDER: Commissioner

13 Carter?

14 COMMISSIONER CARTER: Yes.

15 MS. ALEXANDER: Commissioner

16 Tapscott?

17 COMMISSIONER TAPSCOTT: No.

18 MS. ALEXANDER: Commissioner

19 Heinemann?

20 COMMISSIONER HEINEMANN: Yes.

21 MS. ALEXANDER: Commissioner Pahwa?

22 COMMISSIONER PAHWA: Yes.

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1 MS. ALEXANDER: Commissioner
2 Travis?

3 COMMISSIONER TRAVIS: No.

4 MS. ALEXANDER: Interim Chair
5 Thompson?

6 INTERIM CHAIRPERSON THOMPSON: Yes.

7 MS. ALEXANDER: The motion has been
8 approved to go back to the panel.

9 INTERIM CHAIRPERSON THOMPSON:
10 Okay. Thank you. The next item on the agenda
11 is the prohibition against animals in the
12 vehicles when the driver is holding the
13 vehicle out for hire, the driver's pet animals
14 in the vehicle while the driver is holding
15 that vehicle out for hire.

16 MS. ALEXANDER: The provision will
17 --

18 INTERIM CHAIRPERSON THOMPSON: One
19 second. One second. One second. One second.
20 Do you need it -- I'm going to read the
21 Rulemaking at this point so that you can
22 understand what it says.

1 MS. ALEXANDER: Chapter 8 of 31
2 DCMR 802.6 provides that passengers may travel
3 with small dogs or other small animals when
4 securely enclosed in a box or basket designed
5 for that purpose without charge.

6 Other animals not so enclosed may
7 be carried at the discretion of the driver.
8 However, a driver may refuse to transport any
9 passenger traveling with a small dog or other
10 small animal if the driver notifies the
11 passenger that he or she suffers from a
12 diagnosed medical condition such as allergies
13 and cannot travel with the small dog or other
14 small animal in the vehicle.

15 Part B of the provision provides
16 that no driver shall have an animal or pet of
17 any kind in a vehicle for hire while holding
18 his or her vehicle out for hire or
19 transporting passengers.

20 COMMISSIONER TAPSCOTT: Can I ask
21 is that current or is that what's recommended?

22 MS. ALEXANDER: The language amends

1 the current statute, which provides --

2 COMMISSIONER TAPSCOTT: I make a
3 motion we accept that.

4 COMMISSIONER PAHWA: I second it.

5 INTERIM CHAIRPERSON THOMPSON:
6 Okay. What I'd like to do is there are some
7 members of the public who'd like to comment.
8 Yes?

9 MR. CHUBBS: I would comment that
10 should be automatic.

11 (Crosstalk)

12 INTERIM CHAIRPERSON THOMPSON: Just
13 one brief comment because we're pushing the
14 time. If you would like to make a --

15 MR. CHUBBS: I just don't -- for
16 the record, E.J. Chubbs, Independent Cab
17 No. 69. I don't think that even warrant
18 discussion. That should be a flat yes. I
19 mean, you should accept that without any
20 discussion. Thank you.

21 INTERIM CHAIRPERSON THOMPSON:
22 Thank you so much, Mr. Chubbs.

1 MR. LEBET: Mine's quick too.
2 Philip Lebet from Diamond again. I know that
3 there are at least two on this panel who have
4 better training than I do on the language, but
5 it seems to me that you might want to put
6 something specific in there that says "except
7 when transporting a pet held by a passenger"
8 because it seems confusing to me.

9 INTERIM CHAIRPERSON THOMPSON: No,
10 it's already in there. Sorry.

11 MR. LEBET: All right.

12 INTERIM CHAIRPERSON THOMPSON: Yes,
13 but thank you so much.

14 MR. LEBET: Then I just don't
15 understand it the way it's written.

16 INTERIM CHAIRPERSON THOMPSON: Yes.

17 MR. LEBET: Okay. Thanks.

18 INTERIM CHAIRPERSON THOMPSON:
19 We'll certainly take a look at it to make sure
20 it's as clear as possible. Thank you so much.

21 So, yes, Mr. Pahwa -- all --

22 COMMISSIONER CARTER: I move at

1 this time that this prohibition of driver be
2 accepted.

3 COMMISSIONER PAHWA: I second.

4 UNIDENTIFIED SPEAKER: I've been
5 driving a cab 54 years in Washington, D.C.
6 I've been a public servant. I think in one
7 stipulation when you say riding with their
8 pets, a blind man has a right to ride his dog
9 in a cab.

10 (Crosstalk)

11 INTERIM CHAIRPERSON THOMPSON: Yes.
12 We were only dealing with another provision.
13 That's in -- yes. Service animals are
14 allowed.

15 There was a motion, I believe --

16 UNIDENTIFIED SPEAKER: Yes.

17 COMMISSIONER CARTER: And a second.

18 INTERIM CHAIRPERSON THOMPSON: And
19 a second.

20 MS. ALEXANDER: All those favor?

21 (All in favor)

22 MS. ALEXANDER: Opposed? The

1 proposed Rulemaking has been approved.

2 INTERIM CHAIRPERSON THOMPSON: The
3 panel also wanted to recommend to the Full
4 Commission a fine for violating that
5 prohibition. The recommendation was that the
6 fine be \$50. Okay?

7 The Commission --

8 COMMISSIONER CARTER: Excuse me.
9 There's more to it. Would you read all of the
10 fines that are involved?

11 INTERIM CHAIRPERSON THOMPSON:
12 That's for the first offense.

13 COMMISSIONER PAHWA: First, second,
14 and third.

15 INTERIM CHAIRPERSON THOMPSON: One
16 second. The reason I wasn't reading what the
17 fines in terms of the second and third offense
18 is that that's already actually in the
19 regulations in another provision. It lists
20 out in 825.1 all of the fines.

21 Then in 825.2 or 3 it says
22 "subsequent violations it will be doubled,"

1 and so that's already in the regulation.

2 COMMISSIONER CARTER: All right.

3 INTERIM CHAIRPERSON THOMPSON:

4 Thank you.

5 COMMISSIONER TRAVIS: But why not
6 just put right there. You won't have to go
7 back to another regulation.

8 INTERIM CHAIRPERSON THOMPSON: No,
9 Mrs. Travis, this is just how it's structured.
10 It's actually --

11 COMMISSIONER TRAVIS: I know how
12 it's --

13 INTERIM CHAIRPERSON THOMPSON: No.

14 COMMISSIONER TRAVIS: -- said.

15 INTERIM CHAIRPERSON THOMPSON: No,
16 Mrs. Travis, the way it's structured is 825.1
17 just says things -- for example, it says
18 driving a dirty cab and it just says -- it
19 puts the dollar amount next to it.

20 So, all this Rulemaking will be
21 doing is it will insert the pet in the vehicle
22 and it'll put the dollar amount and then the

1 subsequent provisions say repeat violations.
2 It spells out that. Thank you so much.

3 COMMISSIONER TRAVIS: It violates
4 the -- does that say exactly what we want in
5 terms of a fine?

6 INTERIM CHAIRPERSON THOMPSON: What
7 happens is I -- it says unless we decide to
8 change 825.2, it says, "The civil fines set
9 forth in this section shall be doubled for the
10 second violation of the same infraction and
11 should be doubled once more for any subsequent
12 violation or violations of the same
13 infraction."

14 So, unless we're changing it for
15 all our penalties, it already is allowing for
16 what I think your concern is, which is that
17 subsequent violations the fine gets doubled.

18 Okay. So, Mr. Tapscott?

19 COMMISSIONER TAPSCOTT: Yes. On
20 8.2 on fines on anything you can find up to
21 \$500 --

22 INTERIM CHAIRPERSON THOMPSON: Yes.

1 COMMISSIONER TAPSCOTT: -- why
2 don't we put that under this? Why are we
3 fooling around with \$25 here and double there?
4 Make it a \$500. Why should you have a dog in
5 the car you're a passenger with? Make it
6 \$500.

7 (Crosstalk)

8 UNIDENTIFIED SPEAKER: Fine
9 everybody \$500.

10 INTERIM CHAIRPERSON THOMPSON:
11 Thank you so much. Just one second folks.
12 Just one second. It's gone too far. Let's
13 get the meeting back together. Thank you.

14 So, we have this motion -- or do
15 we?

16 COMMISSIONER TAPSCOTT: Yes we do.

17 INTERIM CHAIRPERSON THOMPSON: We
18 have a motion for the \$50 fine and pardon me?

19 UNIDENTIFIED SPEAKER: Was he
20 offering an amendment?

21 INTERIM CHAIRPERSON THOMPSON: Are
22 you offering an amendment to --

1 COMMISSIONER TAPSCOTT: I'm
2 offering them and I'd even put a fine let it
3 come under the other fines in 8 point whatever
4 it is.

5 INTERIM CHAIRPERSON THOMPSON: Yes,
6 it's just -- you have to say what the amount
7 and Mr. Tapscott is saying he's recommending
8 an amendment to that motion to make it \$500.
9 Mr. Carter?

10 COMMISSIONER CARTER: My motion
11 stands. I mean, if he's making a friendly
12 amendment, I wouldn't second that.

13 INTERIM CHAIRPERSON THOMPSON:
14 Okay.

15 COMMISSIONER CARTER: I would not.

16 INTERIM CHAIRPERSON THOMPSON:
17 Okay. All right. So, there's a motion on the
18 floor. Can we, in fact, take a vote on that?

19 MS. ALEXANDER: Commissioner Allen?

20 COMMISSIONER ALLEN: For \$50, yes.

21 MS. ALEXANDER: Commissioner Baker?

22 COMMISSIONER BAKER: Yes.

1 MS. ALEXANDER: Commissioner

2 Carter?

3 COMMISSIONER CARTER: Yes.

4 MS. ALEXANDER: Commissioner

5 Tapscott?

6 COMMISSIONER TAPSCOTT: No.

7 MS. ALEXANDER: Commissioner

8 Heinemann?

9 COMMISSIONER HEINEMANN: Yes.

10 MS. ALEXANDER: Commissioner Pahwa?

11 COMMISSIONER PAHWA: Yes.

12 MS. ALEXANDER: Commissioner

13 Travis?

14 COMMISSIONER TRAVIS: Yes.

15 MS. ALEXANDER: Interim Chair

16 Thompson?

17 INTERIM CHAIRPERSON THOMPSON: Yes.

18 MS. ALEXANDER: The proposed

19 Rulemaking is approved.

20 INTERIM CHAIRPERSON THOMPSON: The

21 last item needing a vote is the final

22 Rulemaking, which is requiring limo operators

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1 -- we've gone through the process as I
2 mentioned -- proposed. We've had a hearing.

3 So, all we need to do -- we've
4 gotten no comments from the public on this
5 Rulemaking so we just need to vote. Could I
6 get a motion please?

7 COMMISSIONER TAPSCOTT: I make a
8 motion we adopt this.

9 COMMISSIONER ALLEN: I second.

10 MS. ALEXANDER: All those in favor?

11 (All in favor)

12 MS. ALEXANDER: Opposed? The final
13 Rulemaking is approved and requires limousine
14 operators to maintain a manifest written or
15 printed.

16 INTERIM CHAIRPERSON THOMPSON:
17 Okay. Thank you so much. I'm now going to --

18 UNIDENTIFIED SPEAKER: There should
19 be an addendum.

20 INTERIM CHAIRPERSON THOMPSON: Oh,
21 I'm going to come to that in one second if you
22 don't mind. I'm going to go back to the top

1 of the agenda and share with you some
2 information. Usually that would've occurred
3 first.

4 The hearing on Mr. Graham's
5 legislation, which is, as you know, to
6 grandfather persons who currently have H-tags.
7 As you know, it wasn't being extended if you
8 had a new vehicle.

9 His legislation is proposing to do
10 so. I should share with you that the way --
11 you're probably familiar with how it reads.
12 It actually says that DMV is to come up with a
13 mechanism for allowing this to happen.

14 At this point, for the record you
15 know the Commission has taken a position that
16 they support having drivers being able to get
17 their H-tags on new vehicles. The devil is
18 probably in the details as to how that would
19 work out and what the mechanism would be. So,
20 I just want to share with you that that is on
21 the 18th.

22 On the calendar I've given -- I

1 don't know whether she distributed the most
2 recent update -- you'll see that appears
3 there. Also on the calendar you will see the
4 -- we have a regional taxicab group that
5 meets.

6 One item that I know will be coming
7 up for discussion will certainly be our
8 reciprocity agreement and it meets at the
9 Council of Governments. It's a public
10 meeting. It's at 777 North Capital. That's
11 on -- I pass that onto you as well.

12 There is -- I'm sorry?

13 UNIDENTIFIED SPEAKER: Is there a
14 time?

15 INTERIM CHAIRPERSON THOMPSON: At
16 12. At noon, I'm sorry. Does it say that on
17 the calendar? I thought it did. The 18th.
18 The 18th.

19 UNIDENTIFIED SPEAKER: There's no
20 time in there.

21 INTERIM CHAIRPERSON THOMPSON:
22 There's no time in there?

1 UNIDENTIFIED SPEAKER: No.

2 INTERIM CHAIRPERSON THOMPSON: Oh.

3 Okay. It's --

4 MS. ALEXANDER: Twelve.

5 INTERIM CHAIRPERSON THOMPSON: It's

6 12.

7 UNIDENTIFIED SPEAKER: Twelve?

8 INTERIM CHAIRPERSON THOMPSON: It's

9 usually -- yes, 12:00.

10 UNIDENTIFIED SPEAKER: First floor?

11 INTERIM CHAIRPERSON THOMPSON: Yes,
12 first floor. What happens, when you come in
13 you just mention that you'd like to attend the
14 regional meeting because they move the room
15 around. It's usually on the first floor, but
16 they switch the rooms around. So, there's
17 that.

18 There are a number of other things
19 I want to talk about, but I think there's some
20 commissioners who have some concerns, and I
21 know one of them, Mr. Tapscott, has a concern
22 about companies, and I know Mrs. Travis had a

1 concern about the police and their enforcement
2 of the loitering.

3 So, we can actually, if you don't
4 mind for a minute, Mr. Tapscott, we can
5 actually just talk about the loitering issue.
6 Mrs. Travis called me the other day and
7 mentioned that I think it was in 3D or there's
8 been some aggressive enforcement of the
9 loitering law and that they had, in fact,
10 arrested some taxi drivers.

11 I took a look at the legislation.
12 It is a misdemeanor. I'm surprised that this
13 has been happening, and what I would like to
14 recommend to this Commission is that we, in
15 fact, change that legislation and get the --
16 and move it to just being a civil infraction
17 the way we enforce it here.

18 Usually our people here, even
19 though I know people are not satisfied with
20 that, the police have actually -- seems like
21 they're doing a little bit more with that and
22 I think it's one of the ones we can just draft

1 some legislation and get it changed.

2 What would happen is the way we
3 operate is we would move this issue to the
4 panel for discussion. So, I just want to --
5 Mrs. Travis --

6 COMMISSIONER TRAVIS: The main
7 thing was because the drivers are concerned
8 because as it is now it becomes a felony. It
9 is a felony now.

10 UNIDENTIFIED SPEAKER: It's a
11 criminal offense.

12 COMMISSIONER TRAVIS: They are
13 concerned with --

14 INTERIM CHAIRPERSON THOMPSON: No,
15 It's not a felony. It's a misdemeanor. It's
16 a criminal offense. That's the point you're
17 making, yes. That in essence someone could
18 end up with --

19 COMMISSIONER TRAVIS: No, I
20 understand what they were telling me is that
21 they'd be charged with a felony, so I don't
22 know but this is why I brought it to your

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1 attenion.

2 INTERIM CHAIRPERSON THOMPSON: Yes,
3 it's not a felony, but it is a criminal
4 offense.

5 UNIDENTIFIED SPEAKER: The fine is
6 \$10.

7 INTERIM CHAIRPERSON THOMPSON: The
8 fine is \$10.

9 UNIDENTIFIED SPEAKER: Someone I
10 know was charged \$150 or more.

11 INTERIM CHAIRPERSON THOMPSON: Yes,
12 which is why we, in fact, we've contacted 3D
13 to discuss this because we don't know where
14 they would've gotten that kind of fine from.
15 Either they are misreading the statutory
16 provisions.

17 So, we're actually going to have a
18 discussion with them on that issue.

19 UNIDENTIFIED SPEAKER: Okay.

20 INTERIM CHAIRPERSON THOMPSON: So,
21 there seems to be -- this is just comments on
22 this specific issue. Okay? Sir? I'm sorry,

1 go ahead.

2 (Crosstalk)

3 UNIDENTIFIED SPEAKER: Do the
4 Secret Service police have the authority to
5 stop a cab driver and issue a numerous amount
6 of tickets when they don't know what they're
7 doing? Yes or no?

8 INTERIM CHAIRPERSON THOMPSON: Yes.

9 UNIDENTIFIED SPEAKER: Well, I
10 didn't know that.

11 UNIDENTIFIED SPEAKER: Any law
12 enforcement --

13 UNIDENTIFIED SPEAKER: Any law
14 enforcement --

15 UNIDENTIFIED SPEAKER: When did
16 that pass?

17 INTERIM CHAIRPERSON THOMPSON: No,
18 it's actually in the legislation.

19 (Crosstalk)

20 INTERIM CHAIRPERSON THOMPSON: But
21 what you're pointing out, sir, is we will
22 certainly -- to the extent that my concern is

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1 always going to be that any law enforcement
2 authority may have that authority, but do they
3 know what the regulations say and what are
4 policies are and that's what I think has been
5 causing some issues because I know cab drivers
6 have gotten tickets for not having a valid
7 insurance receipt and so --

8 UNIDENTIFIED SPEAKER: Five hundred
9 dollar ticket for not displaying my ID card?

10 INTERIM CHAIRPERSON THOMPSON: Yes,
11 but we want to make sure that whatever they're
12 enforcing they are current with our
13 regulations and they understand it, so what
14 I'm going to do is from -- we're going to
15 either have to write to the head of -- yes,
16 thank you so much.

17 We'll -- Mr. Price?

18 MR. PRICE: This issue of
19 loitering, when it became to a felony -- not a
20 felony -- criminal offense.

21 INTERIM CHAIRPERSON THOMPSON:
22 Criminal. From civil to criminal.

1 MR. PRICE: From civil to criminal
2 -- we heard about this last year in March and
3 I thought it was one of the most heinous
4 things that ever went through the council and
5 ended up on the taxicab drivers' back.

6 Nowhere in the nation that I have
7 looked at it is that loitering by a taxicab
8 because loitering is a judgmental discretion
9 by the officer whether -- no matter what law
10 enforcement branch he's from and this goes on
11 -- if a driver just goes down and he pleads no
12 contest and just pays the fine, now he has a
13 criminal record.

14 INTERIM CHAIRPERSON THOMPSON:
15 Right.

16 MR. PRICE: This is almost heinous.
17 I never -- how these things got past the
18 Commission and there was no hearings on them,
19 I'm really wondering but I really wish that
20 this Commission body would write something to
21 -- maybe to Councilman Jim Graham to have this
22 amended so at least it's a misdemeanor.

1 INTERIM CHAIRPERSON THOMPSON: In
2 fact, that we're going to do. We're actually
3 decriminalizing it completely. That's what
4 our recommendation would be and the way we go
5 about is to actually do the legislation and
6 send it over. We don't have to ask them.
7 It's there. So, that's what we're going to do
8 because we wouldn't want to see people end up
9 with a criminal record because you're driving
10 slow.

11 MR. PRICE: Because what is
12 happening is that I've heard cases where
13 drivers are being handcuffed, spent the
14 weekend in jail --

15 INTERIM CHAIRPERSON THOMPSON: Yes.

16 MR. PRICE: -- and that to me is
17 crazy.

18 INTERIM CHAIRPERSON THOMPSON: I
19 think before we get upset about that, we'll
20 also investigate what occurred there because
21 usually unless the person what may have been
22 in some -- granted for that driver, that's a

1 horrible experience, that's not what even with
2 the criminal provision -- it doesn't -- that's
3 not usually what the police do with a
4 provision where it's a \$10 fine.

5 What they do is they list it --
6 it's called a 61D authority and in essence,
7 they're really almost treating it like a civil
8 offense and so we need to meet with them and
9 get some clarification as to what's going on
10 with that enforcement.

11 We did invite Mr. McCoy --

12 UNIDENTIFIED SPEAKER: Orlando
13 McCoy.

14 INTERIM CHAIRPERSON THOMPSON: --
15 Orlando McCoy to this meeting, and so he was
16 not able to attend, but we're definitely going
17 to stay on top of that.

18 MR. PRICE: You should've invited
19 Green because he's the one --

20 INTERIM CHAIRPERSON THOMPSON: I'm
21 sorry. Who?

22 MR. PRICE: You should've invited

1 Green --

2 INTERIM CHAIRPERSON THOMPSON:

3 Green? Officer Green?

4 MR. PRICE: He's the one - everyone
5 else, so that's --

6 INTERIM CHAIRPERSON THOMPSON:

7 Okay. Okay. Be careful talking from the
8 audience here. You really do need to get up.
9 I understand.

10 COMMISSIONER TRAVIS: I just want
11 to say initially, and maybe I was wrong
12 because I thought -- I know we discussed the
13 fact that when drivers left the cab and it's
14 more than five feet away that that was a
15 loitering charge, but they're also -- this
16 slow down -- if they're driving less than 25
17 miles or so they're being stopped.

18 If they're in a 25-mile zone and
19 they're traveling 24 miles, going slow, they
20 said they're causing congestion and they're
21 being pulled over because they're driving too
22 slowly.

1 INTERIM CHAIRPERSON THOMPSON: I
2 think we need to, again, meet with the
3 officers and the commander and --

4 COMMISSIONER TRAVIS: Let me say
5 that this has happened to people and I know
6 that we are looking into this.

7 INTERIM CHAIRPERSON THOMPSON: Oh,
8 okay. Sure.

9 COMMISSIONER TRAVIS: The other
10 situation is -- now this has happened to me
11 and a friend of mine called me the other day
12 where a taxi stopped in front of her door. It
13 was a one-way street and I live on a one-way
14 street and right away the policeman told --
15 she's on her way to the cab and the policeman
16 have put on that little siren, told the guy to
17 move on as she's walking towards the cab.

18 Now, a cab has stopped in front of
19 my door and I've had the policemen come
20 through to tell him to move on, which would be
21 like three car lengths in front because of the
22 little alleyway right there, and he told him

1 -- he says, "I have a blind passenger. I'm
2 trying to let her off in front of her door,"
3 and he said, "Well, hurry up," sort of like
4 that.

5 So, what happened when drivers have
6 to stop in front of houses to pick up people
7 and they've been told by the police to move on
8 down the block? Especially -- then there's
9 sometimes like on her block she said there
10 wasn't even -- I think it says you have to
11 pull into the curb, but all the spaces were
12 taken.

13 There were no spaces, so I consider
14 that a harassment by the police.

15 INTERIM CHAIRPERSON THOMPSON:
16 Well, what we can do certainly, and I'll
17 mention this to everyone here, you can
18 certainly get to us any additional concerns
19 that you have so that we can place this on
20 this list and raise this with them as well.

21 We do need to -- I'm sorry -- I
22 want to get to Mr. Tapscott's concern at this

1 point.

2 COMMISSIONER TAPSCOTT: Yes, but
3 before I get to say anything, what was in the
4 report of panelist A3? What does that mean
5 there? Table for June meeting proposal to
6 place a moratorium on the number of taxicabs?

7 MS. ALEXANDER: That's going back
8 to the panel for further discussion on that
9 issue.

10 INTERIM CHAIRPERSON THOMPSON: Yes,
11 what Mr. Tapscott is asking now is the way the
12 agenda is structured -- again, at the
13 beginning of the meeting I mentioned that you
14 get reports, as well, that show up.

15 I believe one of your concerns,
16 Mr. Tapscott, about a moratorium on the number
17 of licensed taxicab companies was sent to the
18 panel at the last meeting. The panel did not
19 get to it at it's meeting and so that's why
20 it's showing up there, but you indicated -- I
21 share that with you -- you indicated you
22 wanted to bring it up again here. So, that's

1 why it was on --

2 COMMISSIONER TAPSCOTT: But I
3 thought in the minutes -- if you go back to
4 the minutes when I brought this up -- that you
5 were going to do a check to see whether we
6 lawfully can do that or not.

7 INTERIM CHAIRPERSON THOMPSON: Yes
8 --

9 COMMISSIONER TAPSCOTT: So, what is
10 the use going to the panel if it's unlawful?
11 I'm confused.

12 INTERIM CHAIRPERSON THOMPSON:
13 Saying whether you can lawful and saying
14 something is unlawful are not quite the same
15 thing. What occurred here is Mr. Tapscott
16 raised this issue at the last meeting, Full
17 Commission meeting.

18 I said to Mr. Tapscott what needs
19 to happen is we need to -- before we take
20 actions like that and then find ourselves
21 being challenged in court when we decide to
22 shut down an industry, we need to have good

1 reasons that we're doing so.

2 The standard that the challenger
3 usually uses is whether your actions were
4 arbitrary and capricious, whether you looked
5 at something and you made some assessment of
6 exactly what's going on, so say, for example,
7 shutting down no new companies because we've
8 run out of colors.

9 Has the Commission looked at all
10 passable color combinations you can come up
11 with? Have you done everything you're
12 supposed to do legally? That issue then went
13 to the panel. I said, "Mr. Tapscott, we also
14 just also need to look at case law as well to
15 determine and look at the statute to see what
16 is our authority."

17 I put together a document and it
18 laid out what our authority was, the
19 limitations of it, the concerns, it went to
20 the panel. The panel, however, had two other
21 issues it needed to discuss, and so it, in
22 fact, postponed the discussion on that issue

1 till the upcoming panel meeting.

2 Mr. Tapscott then indicated he
3 wanted to raise the issue here again, and so
4 that --

5 COMMISSIONER TAPSCOTT: If that's
6 it -- when I raised the issue at the last
7 meeting, I thought our agreement was that you
8 would look to see whether we can legally --
9 this body can legally do that or not. That's
10 where I left it at.

11 INTERIM CHAIRPERSON THOMPSON:
12 Well, here's a suggestion then, Mr. Tapscott.
13 Is it okay that after a panel meeting --
14 upcoming panel meeting we go through the
15 discussion and we advise you on the pros and
16 cons --

17 COMMISSIONER TAPSCOTT: Yes, but
18 you just stated that you did something and you
19 gave to the panel and I've never seen that.

20 INTERIM CHAIRPERSON THOMPSON: I
21 gave it to you, Mr. Tapscott.

22 COMMISSIONER TAPSCOTT: Did you? I

1 missed it then. I'm sorry. My thing is we
2 are running out of colors. It's hard --

3 INTERIM CHAIRPERSON THOMPSON: No,
4 I --

5 COMMISSIONER TAPSCOTT: It's very
6 hard to put a cab on the street, and --

7 UNIDENTIFIED SPEAKER: We could use
8 the same colors.

9 INTERIM CHAIRPERSON THOMPSON: I
10 understand. I do understand.

11 COMMISSIONER TAPSCOTT: I just want
12 to know whether we legally can put a
13 moratorium on it. That's my main question.
14 Can we?

15 INTERIM CHAIRPERSON THOMPSON:
16 Okay. Then I would -- if it's okay, can we
17 take that to the panel -- back to the panel --

18 COMMISSIONER TAPSCOTT: Fine.

19 INTERIM CHAIRPERSON THOMPSON: Yes.
20 Thank you so much. Now, I've seen some hands
21 up for a while and we've -- I'm not sure which
22 issue -- could I -- Mr. --

1 MR. CHUBBS: Chubbs.

2 INTERIM CHAIRPERSON THOMPSON: --

3 Chubbs, what issue is this on?

4 MR. CHUBBS: On the moratorium.

5 INTERIM CHAIRPERSON THOMPSON: One

6 second. Mr. -- and your issue?

7 MR. BETHEA: Moratorium.

8 INTERIM CHAIRPERSON THOMPSON:

9 Moratorium?

10 (Off-mic)

11 INTERIM CHAIRPERSON THOMPSON:

12 Okay. On the moratorium, let's just do the
13 moratorium first. I know you had --

14 UNIDENTIFIED SPEAKER: Could I
15 speak because I need to leave? I've got a
16 client I've got to pick up.

17 INTERIM CHAIRPERSON THOMPSON: Is
18 that okay with you, sir? Quickly, quickly.
19 This meeting -- we're having an issue about
20 our transcription service, so we really do
21 need to make it very brief. This is not
22 something I planned. They've had some

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1 glitches and so we need to close the meeting.

2 I don't like that this happened,
3 and I will certainly talk to the company about
4 it, so we need to move quickly. Mr. Chubbs?

5 MR. CHUBBS: On the moratorium, I'm
6 with Mr. Tapscott. I brought that up before.
7 I mean, we just -- I mean, we look like a New
8 York gypsy company. We had every kind of
9 color and one of the things that I think you
10 all can work on -- I see cabs out there, the
11 colors are so close.

12 If you're behind them, you don't
13 know which company it is. It used to be a
14 problem of getting a color scheme approved,
15 but it seemed to me like anybody bring a color
16 over here it's approved. I would surely like
17 to see a moratorium on that one.

18 INTERIM CHAIRPERSON THOMPSON: I
19 would hope that we recognize that when you
20 decide not to let people do business, you've
21 got to have explored other alternatives other
22 than -- that's all. I just want to tell

1 everybody that that's -- it's kind of one of
2 the things that, I guess, makes this country
3 strong.

4 You've got to come up with some
5 good reasons, and if it means something else,
6 then there could be other options to deal with
7 this. That's all I'm saying.

8 MR. CHUBBS: Yes, but we need to
9 check it out and see what because one of the
10 good options you're putting us out of
11 business. You've got where it was ten
12 companies you got 30 companies.

13 INTERIM CHAIRPERSON THOMPSON: We
14 don't have any new cars though.

15 MR. CHUBBS: No new cars?

16 INTERIM CHAIRPERSON THOMPSON: No.

17 MR. CHUBBS: Well, how's the
18 companies coming out?

19 INTERIM CHAIRPERSON THOMPSON:
20 They're moving from companies.

21 MR. CHUBBS: Oh, okay. Because I
22 remember when we brought it up before and the

1 previous chairperson said if they come with
2 all of the requirement purpose --

3 INTERIM CHAIRPERSON THOMPSON:
4 There may be some. I shouldn't have said
5 there are no new cars, but what we saw when we
6 got the numbers from DMV, it's not -- there's
7 not some great new increase of vehicles.

8 MR. CHUBBS: Okay. Well, we -- one
9 thing and I'll leave. We need to be more
10 conscious of the colors we're putting out
11 because I took names of several companies.
12 You can't tell one company until you're right
13 up there so you can read the name.

14 INTERIM CHAIRPERSON THOMPSON: You
15 recognize in New York City, all the cabs are
16 yellow?

17 MR. CHUBBS: Not the gypsies.

18 INTERIM CHAIRPERSON THOMPSON:
19 Thank you. Sir? Quickly, please. I'm sorry.
20 It's kind of --

21 MR. ZIDU: My name is Barak Zidu
22 from Metro cab. I have a big recommendation

1 on this point. Where I've been for a long
2 time in this business. We can't control our
3 sticker, we don't have any law. We can't even
4 take our logo. We don't have any law to
5 control it's an outside company, and the
6 companies is open such as a law. I can do
7 nothing.

8 But I suggest if you have this
9 amount of driver in this city, why don't you
10 divide it? The minimum and the maximum
11 members to have in the company? This is my
12 suggestion for everybody. All the problem,
13 what do we see, will be solved. This
14 recommendation or to make agenda.

15 INTERIM CHAIRPERSON THOMPSON:
16 Thank you. That's certainly a consideration.
17 I know we spoke briefly and the suggestion
18 essentially is at this point we have a 20-
19 vehicle requirement that, in essence, you
20 increase that requirement. That's one way of
21 also addressing how many colors do you have.

22 I should also mention to you that

1 we are initiating enforcement, and I think
2 it's time for everyone to recognize this. We
3 had to get a couple things straightened out
4 when we got here, but we are looking at the
5 companies. We are looking to see whether you
6 do have 20 vehicles and whether you do have an
7 address in the district and a working
8 telephone and you are taking action --

9 MR. ZIDU: This is my point.

10 INTERIM CHAIRPERSON THOMPSON: --
11 as we speak.

12 MR. ZIDU: Yes, when I open I have
13 20 more companies. Right now all the members
14 go to their company because they get -- there
15 is no fair distribution on this. If you limit
16 it -- I mean, there is law up to 20 companies,
17 yes? We provide that, we show that, we get
18 company. And still we have, but this time
19 everybody go.

20 We don't have any new license to
21 rent the car. Any business we don't have
22 because they are not issue any new driver.

1 Okay? We don't have any new driver, no
2 license.

3 INTERIM CHAIRPERSON THOMPSON: I
4 understand.

5 MR. ZIDU: Okay? We don't keep all
6 members. There is no limitation for one
7 company. One company has 1,000 driver. We
8 got nothing. We don't have any enforcement to
9 control our rental cars. I lose hundred cars,
10 500, half a million dollars. I have document.

11 Last year the government took all
12 my cars because there is no law. Even to
13 drive my car, one month police he got it;
14 nothing to do. Take your car. That's it.
15 Even other thing. All this we are suffering.

16 I mean, yes we had 20 cars before.
17 Now, zero because of -- so, what I suggest is
18 to have the limit also maximum members on one
19 company.

20 Why not? I mean, if it is law for
21 the minimum, why not for the maximum? If
22 equalized one big company he took everything

1 and the other three out from the business all
2 this year suffer. It's not fair. This is my
3 comment and recommendation.

4 INTERIM CHAIRPERSON THOMPSON: Yes,
5 I'm not sure about the maximum business. I
6 just want to share that with you. I just want
7 to share that with you.

8 MR. ZIDU: I remember. I remember.
9 I remember. Otherwise, we have to find out
10 why all losing. We are losing because of the
11 law.

12 INTERIM CHAIRPERSON THOMPSON:
13 Thanks so much. I'm sorry --

14 MR. ZIDU: Okay. That is my --

15 COMMISSIONER TAPSCOTT: Can I just
16 insert something while he's going on? That 20
17 law cab was not put out by the Commission.
18 That is in D.C. government law, 50 or 49, that
19 requires that. It's not just Commission.

20 (Crosstalk)

21 COMMISSIONER TAPSCOTT: We cannot
22 change a law that's upheld by the city

1 council.

2 INTERIM CHAIRPERSON THOMPSON:
3 Thank you so much. Thank you so much. Sorry,
4 Mr. Tapscott, we cannot do anything. I'm
5 sorry. Sorry. One second. One second, sir.

6 MR. BETHEA: My name is --

7 INTERIM CHAIRPERSON THOMPSON: One
8 second, sir. Can we just get some order back.
9 Thank you. Please, sir, go ahead.

10 MR. BETHEA: My name is Ronald
11 Bethea. I'm an owner/operator of Independent
12 252, but I'm speaking today as president of
13 Sedan Service Plus, a non-profit organization
14 based --

15 INTERIM CHAIRPERSON THOMPSON: One
16 second, one second. Gentlemen. Gentlemen.

17 MR. BETHEA: -- based here in the
18 District of Columbia. It saddens me that I
19 set here almost three or four hours and it's
20 taken this Commission this much time to cover
21 these limited items, not only the issue of
22 moratoriums.

1 Once again, Mr. Tapscott amazes me.
2 Why would you place a moratorium on cab
3 companies and not put a moratorium on cabs?
4 This industry is broke and it is in turmoil.

5 Right now the District of Columbia
6 stands not to get a dime of \$300 million
7 that's going to be released through the New
8 Freedom Project for disabled vehicles because
9 the cab companies that I have called, 108
10 companies, spoken to 59 owners, 13 of those
11 owners have agreed to participate.

12 I have a spreadsheet, which I will
13 make available for you, Mrs. Thomas [sic] that
14 shows that we need \$6 million to purchase 151
15 vehicles. The contribution of the cab
16 companies is \$1 million, 28 cab companies with
17 13 owners, \$1,208,000. The federal government
18 has to put up \$4,832,000.

19 I've spoken with several of these
20 owners about the fact that if we had some type
21 of cap on the cabs and we had a medallion
22 system, they would be able to use that to

1 guarantee a loan so they would be able to have
2 the matching funds to meet the 80 percent
3 grant that the government's going to give
4 these companies.

5 There are stipends available to
6 help curb the cost of insurance, maintenance,
7 and for extensive training -- sensitivity
8 training to work with the disabled. We stand
9 as an industry right now not being able to
10 receive a dime of this federal money because
11 there is no moratorium on the number of
12 taxicabs, not companies.

13 You have 780 independent
14 owner/operators currently with their names on
15 their doors. Based on the information I've
16 been able to gather speaking with the cab
17 owners, most of the cab owners own less than
18 10 to 11 percent of the vehicles that they
19 actually have on the street in their fleets.

20 So, it serves everybody's benefit
21 because the cab owner and the cab driver in
22 this industry are tied at the hip. If the cab

1 driver don't make no money, he can't pay the
2 cab or his rent or his radio dues.

3 INTERIM CHAIRPERSON THOMPSON:
4 Mr. Bethea --

5 MR. BETHEA: So, my point is please
6 consider putting -- adding the word taxicabs
7 to this motion that you will be going into
8 panel to discuss by one of the other
9 commissioners that may be a public -- I think
10 we have public and industry.

11 I would like for one of the other
12 public commissioners to add the word taxicabs
13 because we are in dire straits in this
14 industry. Thank you.

15 INTERIM CHAIRPERSON THOMPSON:
16 Thank you so much. I just wanted to share
17 that in our legislation it actually, of
18 course, requires any limitation on the number
19 of vehicles or meters to go to the council
20 that, in essence--

21 MR. BETHEA: I would like a
22 recommendation from this Commission to go to

1 the council.

2 INTERIM CHAIRPERSON THOMPSON: No,
3 I'm just saying any action we take --

4 MR. BETHEA: I understand, but
5 would this Commission do that? Just one other
6 thing, HR3508, which is the meter information,
7 will this Commission be putting forth a
8 position --

9 INTERIM CHAIRPERSON THOMPSON: As
10 I've said -- yes.

11 MR. BETHEA: Because it's not on
12 the agenda and we don't have much time for the
13 --

14 INTERIM CHAIRPERSON THOMPSON:
15 Well, yes. I appreciate your concern,
16 Mr. Bethea, and what we're going to do is
17 we're going to hold some community meetings as
18 well on that issue. So, we will get that
19 announcement out.

20 MR. BETHEA: Thank you very much.

21 INTERIM CHAIRPERSON THOMPSON:
22 Thank you so much. We actually have just a

1 few minutes. Oh, I'm sorry, Carolyn, there is
2 a gentleman who has hand up for a while. He's
3 asking a question.

4 MR. YATES: Good morning. I'll
5 make this quick.

6 INTERIM CHAIRPERSON THOMPSON: Yes,
7 thank you so much.

8 MR. YATES: My name's Christopher
9 Yates.

10 INTERIM CHAIRPERSON THOMPSON: Yes,
11 Mr. Yates.

12 MR. YATES: I'm trying to get into
13 the taxi industry in this city. I'm a taxi
14 driver for New York City. I've worked there
15 15 years. I was wondering if I could narrow
16 down the time that you might possibly start
17 the hack license testing again.

18 INTERIM CHAIRPERSON THOMPSON: I
19 think we're almost at the point where we can
20 soon issue a schedule. What you'll need to do
21 is to -- honestly, what we've doing is we've
22 been going over the questions.

1 I think we're at some point now
2 where we're becoming a little more comfortable
3 with our ability to come back to the Full
4 Commission who had voted for this -- for the
5 closure and present a schedule under which we
6 will be able to bring the -- recommend
7 bringing the exam back up.

8 I don't -- I'm not able to say to
9 you today yes it would be this date, but take
10 my word. We're at the point that we can
11 actually come up with a recommended schedule
12 and recommendation back to the Commission.

13 So, just stay tuned a little bit
14 longer. I apologize.

15 MR. BETHEA: Thank you.

16 INTERIM CHAIRPERSON THOMPSON:
17 Okay. Carolyn? I almost forgot.

18 MS. ROBINSON: Gets overwhelmed
19 with the rhetoric I understand.

20 INTERIM CHAIRPERSON THOMPSON: Yes.

21 MS. ROBINSON: Bright lights, big
22 city. Yes, Carolyn Robinson, Yellow Cab 800.

1 I have a concern with the moratorium. A lot
2 of the new companies/associations that came
3 into existence came after this registration
4 issue that we have.

5 There are a lot of companies that
6 the prior chairperson made provisions for them
7 to bring a lot of companies on. They're not
8 checking color schemes. Years ago they were
9 set in stone. They had lawsuits when people
10 tried to have colors that were similar.

11 There are three companies, Silver,
12 Essence, and it's enough -- Sun Cab Company
13 all have almost the identical colors. No
14 one's checking the colors. They're not
15 checking the vehicles to see if they have 20.

16 There are a lot of concerns that
17 are stemmed from this and we don't need
18 anymore. There's Silver Cab Company that I
19 understand are supposed to be off the street
20 that are still in existence, so we need to
21 curtail the companies that exist now before we
22 bring any more companies on.

1 Most of them -- the companies --
2 what they're doing, they're just sending VIN
3 numbers. They're not producing cabs.
4 Nobody's going over there checking to see if
5 they have 20 vehicles.

6 INTERIM CHAIRPERSON THOMPSON:
7 Thank you so much.

8 MS. ROBINSON: So, I'm really
9 concerned --

10 INTERIM CHAIRPERSON THOMPSON: As I
11 mentioned, we're going to initiate enforcement
12 and --

13 MS. ROBINSON: One.

14 INTERIM CHAIRPERSON THOMPSON: This
15 is one -- hopefully this is the last comment
16 because we're running out of time. Please
17 come--

18 UNIDENTIFIED SPEAKER: On the order
19 of Essence, I have the 27 cab already on the
20 street. They have audited the list and
21 discovered that it's no match with the Silver
22 totally different. Essence Cab Company.

1 INTERIM CHAIRPERSON THOMPSON:

2 Okay. Thank you so very much.

3 COMMISSIONER TAPSCOTT: Doreen, can
4 I try to enlighten the board. That's the
5 reason why I brought the proposal because for
6 some reason I had been picked to look at
7 colors, and it's just hard to get a color to
8 go on the street.

9 We are looking at colors. We have
10 definitely not put any -- this Commission has
11 not put any company out there that the
12 commissioners have not looked at, but it is
13 getting so hard to get these colors to match
14 up and we're looking like a zoo and that's the
15 reason why I brought it up.

16 The other thing about it is you
17 brought up a point about these companies.
18 What happened when the law went in effect that
19 you could not put -- the Maryland and Virginia
20 couldn't put on?

21 God bless his soul, Mr. Toney went
22 to some of these companies and authorized or

1 talked to them into using a different name and
2 putting all the cabs, whether you own it, you
3 don't own your cab no more when you go into
4 these new companies.

5 You have got to sign a waiver that
6 the company owns these cars to skirt the law,
7 and most of them we are putting in effect do
8 not have 20 cabs when they start.

9 INTERIM CHAIRPERSON THOMPSON:
10 Thank you, Mr. Tapscott. Mr. King, this has
11 got to be very brief. I mean like a minute.
12 Thank you. We're going to close down the
13 meeting, but I'm going to be here afterwards,
14 so if you want to talk about something, please
15 --

16 MR. KING: Ted King, District 546.
17 The only thing I want to ask that when --
18 you're saying that you're going to be doing
19 investigations --

20 INTERIM CHAIRPERSON THOMPSON:
21 We've actually started.

22 MR. KING: Okay. There is a

1 concern that I have with some of the color
2 schemes. I think you need to re-look at some
3 of those colors because you have some cabs out
4 there.

5 The purpose of the name of the cab,
6 the purpose of the number on the cabs on the
7 door, and you have us to put the number on the
8 back was that people be able to identify us.

9 Well, there are some cabs on the
10 street that you cannot even read the writing
11 that's on the door of the cabs. So,
12 therefore, when you do your investigation, I
13 think you need to take a look at some of them
14 and some color schemes need to be changed.

15 INTERIM CHAIRPERSON THOMPSON:
16 Thank you so much. I should mention that the
17 way we've started the investigation is the cab
18 -- when we've called those telephone numbers
19 and we found numbers to be disconnected.

20 So, that's how the company rises to
21 the top of the list, so that's how -- what
22 we're doing right now, so we're very focused

1 on those companies where we've now seen a
2 significant problem.

3 Obviously, you've got a
4 disconnected telephone, so we're starting with
5 those companies, but we intend to go through
6 every one of those companies. Thank you.

7 On that note, thank you so very
8 much for attending the meeting, and I'll be
9 here afterwards. We're adjourned.

10 (Whereupon, the above-entitled
11 matter was concluded at 12:10 p.m.)
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